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GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department
Legal Affairs Branch

Notification

LD/8/3/85-L.A.B.

The Pondicherry University Act, 1985 (No. 53 of 1985); The Standards of Weights and Measures (Enforcement) Act, 1985 (No. 54 of 1985); The Coal Mines (Conservation and Development) Amendment Act, 1985 (No. 55 of 1985), and the Government Savings Laws (Amendment) Act, 1985, (No. 56 of 1985) which were passed by Parliament and assented to by the President of India on the 4th September, 1985, and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 4-9-1985 are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 2nd January, 1986.

The Pondicherry University Act, 1985 ARRANGEMENT OF SECTIONS

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THE SCHEDULE.

The Pondicherry University Act, 1985 AN ACT

to establish and incorporate a teaching and affiliating University in the Union territory of Pondicherry and to provide for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-sixth Year of Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Pondicherry University Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "Board of Studies" means the Board of Studies of the University;

(d) "Chancellor" and "Vice-Chancellor" mean, respectively, the Chancellor and Vice-Chancellor of the University;

(e) "College" means a College maintained by, or admitted to the privileges of, the University;

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies, and includes a Centre of Studies;

(h) "Director" means any of the Directors referred to in clauses (3), (4) and (5) of section 11;

(i) "employee" means any person appointed by the University, and includes teachers and other staff of the University;

(j) "Executive Council" means the Executive Council of the University;

(k) "Hall" means a unit of residence or of corporate life for the students of the University, College or Institution, provided, maintained or recognised by the University;

(l) "Institution" means an academic institution, not being a College, maintained by, or admitted to the privileges of the University;

(m) "Principal" means the Head of a College or an Institution, and includes where there is no Principal, the person for the time being duly appointed to act as Principal, and, in the absence of the Principal or acting Principal, a Vice-Principal duly appointed as such;

(n) "recognised institution" means an institution of higher learning recognised by the University;

(o) "recognised teachers" means such persons as are recognised by the University for the purpose of imparting instruction in a College or an Institution admitted to the privileges of the University;

(p) "School" means a School of Studies of the University;

(q) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University for the time being in force;

(r) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances;

(s) "University" means the Pondicherry University.

3. *The University.*—(1) There shall be established a University by the name of "Pondicherry University".

(2) The headquarters of the University shall be at Pondicherry and it may also establish campus

at such other places within its jurisdiction as it may deem fit.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Pondicherry University".

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

4. *Objects.*—The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit and by the example of its corporate life, and, in particular, to make special provisions for studies in French and for integrated courses in humanities and science in the educational programmes of the University and to take appropriate measures for promoting inter-disciplinary studies and research in the University.

5. *Powers of the University.*—The University shall have the following powers, namely:—

(1) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(2) to provide for and organise studies in French;

(3) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(4) to organise and to undertake extra-mural studies and extension services;

(5) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(6) to provide, instruction, including correspondence and such other courses, to such persons as are not members of the University, as it may determine;

(7) to institute Principalships, Professorships, Readerships, Lecturerships and other teaching or academic posts required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other posts;

(8) to recognise an Institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(9) to recognise persons for imparting instruction in any College or Institution admitted to the privileges of the University;

(10) to appoint persons working in any other university or organisation as teachers of the University for a specified period;

(11) to create administrative, ministerial and other posts and to make appointments thereto;

(12) to co-operate or collaborate or associate with any other university or authority or institution of higher learning in such manner and for such purposes as the University may determine;

(13) to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(14) to institute and award fellowships, scholarships, studentships, medals and prizes;

(15) to establish and maintain Colleges, Institutions and Halls;

(16) to make provision for research and advisory services; and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(17) to admit to its privileges Colleges and Institutions not maintained by the University; to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes; and to recognise Halls not maintained by the University and to withdraw any such recognition;

(18) to declare a College, an Institution or a Department as an autonomous College or an Institution or a Department, as the case may be;

(19) to determine standards for admission into the University, which may include examination, evaluation or any other method of testing;

(20) to demand and receive payment of fees and other charges;

(21) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(22) to make special arrangements in respect of women students as the University may consider desirable;

(23) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(24) to make arrangements for promoting the health and general welfare of the employees;

(25) to receive donations and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(26) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(27) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

6. *Establishment of certain Schools.* — The University shall also establish a School for studies in Eastern and Western Thought to be known as "Shri Aurobindo School of Eastern and Western Thought" and another School for studies in Tamil

language and literature to be known as "Subramania Bharati School of Tamil Language and Literature".

7. *Jurisdiction.* — (1) The jurisdiction of the University shall extend to the whole of the Union territory of Pondicherry:

Provided that the University may, at the request of the Administrator of the Union territory of the Andaman and Nicobar Islands or of the Union territory of Lakshadweep and with the prior approval of the Central Government, extend its jurisdiction to those territories.

(2) No college or institution situated within the local limits of the jurisdiction of the University shall be compulsorily affiliated to the University, and affiliation shall be granted by the University only to such colleges or institutions as may agree to accept the Statutes and Ordinances.

(3) Any college or institution admitted to the privileges of the University shall cease to be associated with, or be admitted to the privileges of, any other university.

(4) No college or institution situated within the local limits of the jurisdiction of the University, but not admitted to its privileges, shall be associated with, or be admitted to the privileges of, any other university except with the previous approval of the Administrator of the Union territory in which such college or institution is situated.

8. *University open to all classes, castes and creed.* — (1) The University shall be open to persons of either sex and of whatever race, creed, caste, or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate thereat:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the weaker sections of the people and in particular, of the Scheduled Castes and the Scheduled Tribes.

(2) French nationals of Indian origin who have been permitted longterm residence in the Union territory of Pondicherry under the provisions of the Treaty of Cession shall also be eligible for admission to the University.

Explanation. — Treaty of Cession has the meaning assigned to it in the Pondicherry (Administration) Act, 1962. 49 of 1962.

9. *Visitor.* — (1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any College or Institution maintained by the University or admitted to its privileges; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.

(3) The Visitor shall, in every case, give notice of his intention to cause an inspection or inquiry to be made, —

(a) to the University, if such inspection or inquiry is to be made in respect of the University, College or Institution maintained by it, or

(b) to the management of the College or Institution, if the inspection or inquiry is to be made in respect of a College or an Institution admitted to the privileges of the University,

and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(4) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the management, as the case may be, shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may be pleased to offer upon the action to be taken thereon.

(7) The Visitor may, if the inspection or inquiry is made in respect of any College or Institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(8) The Executive Council or the management, as the case may be, shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where the Executive Council or the management does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor, may, after considering any explanation furnished or representation made by the Executive Council or management, issue such directions as he may think fit and the Executive Council or management, as the case may be, shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made, and, if any cause

is shown within a reasonable time, he shall consider the same.

(11) The Visitor shall have such other powers, as may be prescribed by the Statutes.

10. *Chief Rector.* — The Administrator of the Union territory of Pondicherry shall be the Chief Rector of the University.

11. *Officers of the University.* — The following shall be the officers of the University: —

(1) The Chancellor;

(2) The Vice-Chancellor;

(3) The Director of Studies, Educational Innovations and Rural Reconstruction;

(4) The Director of Culture and Cultural Relations;

(5) The Director of Physical Education, Sports, National Service and Students Welfare;

(6) The Deans of Schools;

(7) The Registrar;

(8) The Finance Officer; and

(9) Such other officers as may be declared by the Statutes to be officers of the University.

12. *The Chancellor.* — (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

(3) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

13. *The Vice-Chancellor.* — (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes or Ordinances.

14. *Directors.* — The Directors shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

15. *Deans of Schools.* — Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

16. *The Registrar.* — (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

17. *The Finance Officer.* — The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

18. *Other officers.* — The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

19. *Authorities of the University.* — The following shall be the authorities of the University: —

- (1) The Court;
- (2) The Executive Council;
- (3) The Academic Council;
- (4) The Boards of Schools;
- (5) The Planning Board; and
- (6) Such other authorities as may be declared by the Statutes to be authorities of the University.

20. *The Court.* — (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely: —

- (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
- (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;
- (c) to advise the Visitor in respect of any matter which may be referred to it for advice; and
- (d) to perform such other functions as may be prescribed by the Statutes.

21. *The Executive Council.* — (1) The Executive Council shall be the principal executive body of the University.

(2) The constitution of the Executive Council, the term of office of its members and its powers and duties shall be prescribed by the Statutes.

22. *The Academic Council.* — (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The constitution of the Academic Council, the term of office of its members and its powers and duties shall be prescribed by the Statutes.

23. *The Planning Board.* — (1) There shall be constituted in the University, a Planning Board, which shall be an authority of the University.

(2) The constitution of the Planning Board, term of office of its members and its powers and duties shall be prescribed by the Statutes.

24. *Other authorities of the University.* — The constitution, powers and functions of the Boards of Schools and of such other authorities, as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes.

25. *Power to make Statutes.* — Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely: —

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the election and continuance in office of the members of the said authorities and bodies, the filling of vacancies of members, and all other matters relative to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers of the University and other academic staff and their emoluments;

(e) the appointment of teachers and other academic staff working in any other University or organisation for a specified period for undertaking a joint project;

(f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing seniority of service of employees;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the establishment and recognition of Students' Union or associations of teachers, academic staff or other employees;

(k) the participation of students in the affairs of the University;

(l) the conferment of honorary degrees;

(m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the institution of fellowships, scholarships, studentships, medals and prizes;

(o) the maintenance of discipline among the students;

(p) the establishment and abolition of Schools, Departments, Halls, Colleges and Institutions;

(q) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(r) the delegation of powers vested in the authorities or officers of the University; and

(s) all other matters which by this Act are to be, or may be, provided by the Statutes.

26. *Statutes how to be made.*—(1) The first Statutes are those set out in the Schedule.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

27. *Ordinances.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications

for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the conditions of award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centres of Studies, Boards of Studies, Special Centres, specialised laboratories and other Committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the management of Colleges and Institutions established by the University;

(p) the supervision and management of Colleges and Institutions admitted to the privileges of the University; and

(q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

28. *Regulations.*—The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

29. *Annual report.*—(1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or after such date as may be prescribed by Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the

Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

30. *Annual accounts.* — (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

(2) The annual accounts when audited shall be published in the Gazette of India and a copy of the accounts together with the report of the Comptroller and Auditor-General shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts, together with the report of the Comptroller and Auditor-General, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

31. *Conditions of service of employees.* — (1) Every employee shall be appointed under a written contract which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of a contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor. The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940.

2 of 1949.

32. *Procedure of appeal and arbitration in disciplinary cases against students.* — (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-section (2) of section 31 shall, as far as may be, apply to a reference made under this sub-section.

33. *Right to appeal.* — Every employee or student of the University or of a College or Institution shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal or the management of any College or Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

34. *Provident and pension funds.* — (1) The University shall constitute for the benefit of its employees such pension or provident fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government provident fund.

35. *Disputes as to constitution of University authorities and bodies.* — If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

36. *Constitution of committees.* — Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person (if any) as the authority in each case may think fit.

37. *Filling of casual vacancies.* — All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

38. *Proceedings of University authorities or bodies not invalidated by vacancies.* — No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

39. *Protection of action taken in good faith.* — No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

40. *Mode of proof of University record.* — A copy of any receipt, application, notice, order, proceeding, resolution of any authority or committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the

University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding or resolution, documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force. 1 of 1872.

41. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

42. *Transitional provisions.*—Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and each of the said officers shall hold office for a term of five years;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty members and eleven members, respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first Academic Council shall be constituted on the expiry of a period of six months from the commencement of this Act and during the said period of six months, the powers of the Academic Council shall be performed by the Planning Board constituted under section 23;

(e) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

43. *Completion of courses of studies in colleges and institutions affiliated to the University.*—Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a college or institution, who, immediately before the admission of such college or institution to the privileges of the Pondicherry University, was studying for a degree, diploma or certificate of the University of Madras, the University of Calicut or the Andhra University, shall be permitted by the

Pondicherry University to complete his course for that degree, diploma or certificate, as the case may be, and the Pondicherry University and such college or institution shall provide for the instructions and examination of such student in accordance with the syllabus of studies of the respective University.

44. *Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.*—(1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

THE SCHEDULE

[See section 26(1)]

The Statutes of the University

1. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(2) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for not more than another term:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct that a Vice-Chancellor, whose term of office has expired, shall continue in office for such period, not exceeding a total period of one year, as may be specified in the direction.

(3) Notwithstanding anything contained in clause (1), a person appointed as Vice-Chancellor shall, if he completes the age of sixty-five years during the term of his office or any extension thereof, retire from office.

(4) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be as follows,—

(i) There shall be paid to the Vice-Chancellor a salary of three thousand rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(ii) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund:

Provided that where an employee of—

(a) the University or College or Institution maintained by, or affiliated to, it; or

(b) any other University or College or Institution maintained by, or affiliated to, that University,

is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the provident fund to which he is a subscriber, and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as the Vice-Chancellor.

(iii) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(iv) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(v) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he is entitled to leave under sub-clause (iv).

(5) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform the duties owing to absence, illness or any other cause, the senior-most Director shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.

2. *Powers and the Vice-Chancellor.* — (1) The Vice-Chancellor shall be *ex-officio* Chairman of the Court, the Executive Council, the Academic Council and the Finance Committee, and shall, in the absence of the Chancellor, preside at the Convocations of the University held for conferring degrees. The Vice-Chancellor shall be entitled to be present at, and to address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(2) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the regulations are duly observed, and he shall have all powers necessary to ensure such observance.

(3) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Court, the Executive Council, the Academic Council and the Finance Committee.

3. *Directors.* — (1) (a) The Director of Studies, Educational Innovations and Rural Reconstruction shall be appointed by the Executive Council on the recommendation of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(b) The emoluments and other conditions of service of the Director of Studies, Educational Innovations and Rural Reconstruction shall be such as may be prescribed by the Ordinances.

(c) The Director of Studies, Educational Innovations and Rural Reconstruction shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(d) Subject to the general supervision of the Academic Council, the Director of Studies, Educational Innovations and Rural Reconstruction shall be responsible for organising studies, educational innovations and academic programmes of the University.

(e) The Director of Studies, Educational Innovations and Rural Reconstruction shall have such powers and perform such functions in his field as may be determined or delegated to him by the Academic Council and the Vice-Chancellor.

(2) (a) The Director of Culture and Cultural Relations shall be appointed by the Executive Council on the recommendation of the Selection Committee constituted for the purpose and he shall be whole-time salaried officer of the University.

(b) The emoluments and other conditions of service of the Director of Culture and Cultural Relations shall be such as may be prescribed by the Ordinances.

(c) The Director of Culture and Cultural Relations shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(d) Subject to the general supervision of the Vice-Chancellor, the Director of Culture and Cultural Relations shall —

(i) co-ordinate teaching and research on the Indian culture and its relations with the cultures of other countries;

(ii) organise dissemination, through various media, of the cultural treasures in the fields of art, literature and music;

(iii) be responsible for relationship with institutions and agencies of culture of India and abroad.

(3) (a) The Director of Physical Education, Sports, National Service and Student Welfare shall be appointed by the Executive Council on the recommendation of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(b) The emoluments and other conditions of service of the Director of Physical Education, Sports, National Service and Student Welfare shall be such as may be prescribed by the Ordinances.

(c) The Director of Physical Education, Sports, National Service and Student Welfare shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(d) The Director of Physical Education, Sports, National Service and Student Welfare shall co-ordinate the activities of the University in respect of physical education, sports, national service and student welfare and other activities that involve student participation in community development.

(e) The Director of Physical Education, Sports, National Service and Student Welfare shall have

such other powers and perform such other functions in his field as may be determined or delegated to him by the Executive Council and the Vice-Chancellor.

4. *Registrar.* — (1) The Registrar shall be a whole-time salaried officer of the University.

(2) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty years.

Provided further that a Registrar shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(3) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence, or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and academic staff, as may be specified in the orders of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(5) The Registrar shall be *ex officio* Secretary of the Executive Council, the Academic Council and the Boards of Schools, but shall not be deemed to be a member of any of these authorities. He shall be *ex officio* Member-Secretary of the Court.

(6) It shall be the duty of the Registrar, —

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council, the Boards of Schools, the Boards of Studies, the Boards of Examiners and of any committees appointed by the authorities of the University;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic

Council, the Boards of Schools, and of any committees appointed by the authorities of the University;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) to arrange for and superintend the examinations of the University in accordance with the manner prescribed by the Ordinances;

(f) to supply to the Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued; and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers-of-attorney and verify pleadings or depute his representative for the purpose; and

(h) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

5. *Finance Officer.* — (1) The Finance Officer shall be a whole-time salaried officer of the University.

(2) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that a Finance Officer shall retire on attaining the age of sixty years:

Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(3) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall be *ex officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(5) The Finance Officer shall —

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding ten thousand rupees without the previous approval of the Executive Council.

(6) Subject to the control of the Executive Council, the Finance Officer shall —

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Special Centres, specialised laboratories, Colleges and Institutions maintained by the University;

(g) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, Centre, Laboratory, College or Institution maintained by the University, any information or returns that he may consider necessary for the performance of his duties.

(7) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

6. *Deans of Schools of Studies.* — (1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor from among the Professors in the School for a period of three years and he shall be eligible for re-appointment:

Provided that a Dean on attaining the age of sixty years shall cease to hold office as such:

Provided further that if at any time there is no Professor in a School, the Vice-Chancellor, or a Director authorised by the Vice-Chancellor in this behalf, shall exercise the powers of the Dean of the School.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School. The Dean shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or committees of the School, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

7. *Heads of Departments.* — (1) In the case of Departments which have more than one Professor, the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor from among the Professors.

(2) In the case of Departments where there is only one Professor, the Executive Council shall have the option to appoint, on the recommendation of the Vice-Chancellor, either the Professor or a Reader as the Head of the Department:

Provided that it shall be open to a Professor or Reader to decline the offer of appointment, as the Head of the Department.

(3) A person appointed as the Head of the Department shall hold office as such for a period of three years and shall be eligible for reappointment.

(4) A Head of a Department may resign his office at any time during his tenure of office.

(5) A Head of a Department shall perform such functions as may be prescribed by the Ordinances.

8. *Proctors.* — (1) Every Proctor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) Every Proctor shall hold office for a term of two years and shall be eligible for re-appointment.

9. *Librarian.* — (1) Every Librarian shall be appointed by the Executive Council on the recommendation of the Selection Committee constituted for the purpose and he shall be a whole-time officer of the University.

(2) Every Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

10. *Meetings of the Court.* — (1) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(2) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet, as audited, and the financial estimates for the next year shall be presented.

(3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(4) Twelve members of the Court shall form a quorum for a meeting of the Court.

(5) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor, or, if there is no Vice-Chancellor, by the senior-most Director, or if there is no Director, by the Registrar.

11. *Quorum for meetings of the Executive Council.* — Five members of the Executive Council shall form a quorum for a meeting of the Executive Council.

12. Powers and functions of the Executive Council.

— (1) The Executive Council shall have the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Readers, Lecturers and other academic staff and Principals of Colleges and Institutions maintained by the University:

Provided that no action shall be taken by the Executive Council in respect of the number, qualifications and the emoluments of teachers and academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Readers, Lecturers and other academic staff, as may be necessary, and Principals of Colleges and Institutions maintained by the University on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to create administrative, ministerial and other necessary posts and to make appointments thereto in the manner prescribed by the Ordinances;

(iv) to grant leave of absence to any officer of the University, other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(v) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vi) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit;

(vii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendations of the Finance Committee;

(viii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities as it shall, from time to time, think fit or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;

(ix) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(x) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xi) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xii) to entertain, adjudicate upon, and, if thought fit, to redress any grievances of the employees and students of the University, who may, for any reason feel aggrieved;

(xiii) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xiv) to select a common seal for the University and provide for the custody and use of such seal;

(xv) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xvi) to delegate any of its powers to the Vice-Chancellor, the Directors, the Registrar or the Finance Officer or such other employee or authority of the University or to a committee appointed by it as it may deem fit;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes; and

(xviii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act, or the Statutes.

13. Quorum for meetings of the Academic Council.

— Nine members of the Academic Council shall form a quorum for a meeting of the Academic Council.

14. Powers of the Academic Council. — Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instructions, co-operative teaching among Colleges and Institutions, evaluation of research or improvements in academic standards;

(b) to bring about inter-School co-ordination, to establish or appoint committees or boards, for taking up projects on an inter-School basis;

(c) to consider matters of general academic interest either on its own initiative or on a reference by a School or the Executive Council and to take appropriate action thereon; and

(d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residences, admissions, award of fellowships and studentships, fees concessions, corporate life and attendance.

15. The Planning Board. — (1) The Planning Board shall consist of the following members, namely:—

(a) the Vice-Chancellor;

(b) all Directors;

(c) two nominees of the Chancellor;

(d) five members of the Academic Council nominated by the Vice-Chancellor;

(e) two officers of the University nominated by the Vice-Chancellor.

(2) The Vice-Chancellor shall be the Chairman of the Planning Board and the Director of Studies, Educational Innovations and Rural Reconstruction shall act as the Secretary to the Planning Board and he shall convene the meetings of the Planning Board after consultation with the Vice-Chancellor.

(3) The Planning Board shall be the principal planning body of the University and shall be responsible for—

(a) reviewing the educational programmes offered by the University;

(b) organising the structure of education in the University so as to provide opportunities to students to offer different combinations of subjects appropriate for the development of personality and skills for useful work in society;

(c) creating an atmosphere and environment conducive to value oriented education; and

(d) developing new teaching-learning processes which will combine the lectures, tutorials, seminars, demonstrations, self-studies and collective practical projects.

(4) The Planning Board shall have the power to advise on the development of the University and review the progress of implementation of programmes so as to ascertain whether they are on the lines recommended by it and shall also have the power to advise the Executive Council and the Academic Council on any matter in connection therewith.

(5) The Academic Council and the Executive Council shall be bound to consider the recommendations made by the Planning Board and shall implement such of the recommendations as are accepted by it.

(6) Such of those recommendations of the Planning Board as have not been accepted by the Executive Council or the Academic Council under sub-section (6) shall be submitted by the Vice-Chancellor, along with the recommendations of the Executive Council or the Academic Council, to the Visitor for advice and the advice of the Visitor shall be implemented by the Executive Council or the Academic Council, as the case may be.

16. *Schools of studies and Departments.*—(1) The University shall have such Schools of Studies as may be specified by the Ordinances.

(2) Every School shall have a School Board. The members of the first School Board shall be nominated by the Executive Council and shall hold office for a period of three years.

(3) The powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Each School shall consist of such Departments as may be assigned to it by the Ordinances.

(b) No Department shall be established or abolished except by the Statutes.

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(c) Each Department shall consist of the following members, namely:—

(i) teachers of the Department;

(ii) persons conducting research in the Department;

(iii) Dean of the School or Deans of the Schools;

(iv) honorary Professors, if any, attached to the Department; and

(v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

17. *Boards of Studies.*—(1) Each Department shall have two Boards of Studies, one for Post-graduate Studies and the other for Under-graduate Studies.

(2) The constitution of a Board of Post-graduate Studies and the term of office of its members shall be prescribed by the Ordinances.

(3) The functions of a Board of Post-graduate Studies shall be to approve subjects for research for various degrees and other requirements or research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances:—

(a) courses of studies and appointment of examiners for post-graduate courses, but excluding research degrees;

(b) appointment of supervisors of research; and

(c) measures for the improvement of the standard of post-graduate teaching and research:

Provided that the above functions of a Board of Post-graduate Studies shall, during the period of three years immediately after the commencement of the Act, be performed by the Department.

(4) The constitution and functions of a Board of Under-graduate Studies and the term of office of its members shall be prescribed by the Ordinances.

18. *Finance Committee.*—(1) The Finance Committee shall consist of the following members, namely:—

(i) The Vice-Chancellor;

(ii) A Director appointed by the Executive Council;

(iii) Three persons nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) Three persons nominated by the Visitor.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least twice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(7) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

19. *Selection Committees.* — (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Director, Professor, Reader, Lecturer, Librarian and Principals of Colleges and Institutions maintained by the University.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, a Director (if any) appointed by the Executive Council, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Director	Not less than three eminent persons, not in the service of the University or members of the Executive Council or Academic Council to be nominated by the Executive Council out of the panel of not less than six names recommended by the Academic Council for their special knowledge of, or interest in, the subjects with which the Director to be appointed will be concerned.
Professor	(i) The Head of the Department concerned, if he is a Professor. (ii) One Professor to be nominated by the Vice-Chancellor. (iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.
Reader/Lecturer	(i) The Head of the Department concerned. (ii) One Professor to be nominated by the Vice-Chancellor. (iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Reader or Lecturer will be concerned.
Librarian	(i) Two persons not in the service of the University, who have special knowledge of the subject of Library Science/Library Administration to be nominated by the Executive Council.

(ii) One person not in the service of the University, nominated by the Executive Council.

Principal of College or Institution maintained by the University

Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of or interest in, a subject in which instruction is being provided by the College or Institution.

Note 1. — where the appointment is being made for an inter-disciplinary project, the Head of the project shall be deemed to be the Head of the Department concerned.

Note 2. — The Professor to be nominated shall be a Professor concerned with the speciality for which the selection is being made and that the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(3) The Vice-Chancellor, or in his absence the senior-most Director, shall preside at the meetings of a Selection Committee.

(4) The meetings of a Selection Committee shall be convened by the Vice-Chancellor or in his absence, by the senior-most Director.

(5) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(6) If the Executive Council is unable to accept the recommendations made by a Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:—

(i) If the temporary vacancy is for a duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis by a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(iii) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes,

be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

20. *Special mode of appointment.* — (1) Notwithstanding anything contained in Statute 19, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other university or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

21. *Appointment for a fixed tenure.* — The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 19 for a fixed tenure on such terms and conditions as it deems fit.

22. *Recognised teachers.* — (1) The qualifications of recognised teachers shall be such as may be prescribed by the Ordinances.

(2) All applications for the recognition of teachers shall be made in such manner as may be laid down in the Ordinances.

(3) No teacher shall be recognised as a teacher except on the recommendation of a selection committee constituted for the purpose in the manner laid down in the Ordinances.

(4) The period of recognition of a teacher shall be determined by Ordinances made in that behalf.

(5) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher:

Provided that no such resolution shall be passed until notice in writing has been given to the person concerned calling upon him to show cause, within such time as may be specified in the notice, why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

(6) Any person aggrieved by an order of withdrawal under clause (5) may, within three months from the date of communication to him of such order, appeal to the Executive Council which may pass such orders thereon as it thinks fit.

23. *Committees.* — Any authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees persons who are not members of such authority. Any such committee may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing.

24. *Terms and conditions of service of University teachers.* — (1) All the teachers of the University shall, in the absence of any agreement to the con-

trary, be governed by the terms and conditions of service as specified in the Statutes, the Ordinances and the Regulations.

(2) Every teacher of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances. A copy of the contract shall be deposited with the Registrar.

25. *Seniority lists.* — (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade, and, in accordance with such other principles as the Executive Council may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain, in respect of each class of persons to whom the provisions of the Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

26. *Removal of teachers.* — (1) Where there is an allegation of misconduct against a teacher, or a member of the academic staff, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher or a member of the academic staff on the ground of misconduct.

(3) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher or a member of the academic staff except for good cause and after giving three months' notice in writing or on payment of three months' salary in lieu of notice.

(4) No teacher or a member of the academic staff shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher or a member of the academic staff shall require a two-thirds majority of the members of the Executive Council present and voting.

(6) The removal of a teacher or a member of the academic staff shall take effect from the date on which the order of removal is made:

Provided that where a teacher or a member of the academic staff is under suspension at the time of his removal, the removal shall take effect from the date on which he was placed under suspension.

(7) Notwithstanding anything contained in the Statutes, a teacher or a member of the academic staff may resign by giving three months' notice in writing to the Executive Council or on payment to the University of three months' salary in lieu thereof.

27. *Removal of employees other than teachers of the University.*—(1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee, other than a teacher or a member of the academic staff, may be removed by the authority which is competent to appoint the employee—

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months;

(d) if he is otherwise guilty of misconduct:

Provided that no employee shall be removed from his office unless a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.

(2) No employee shall be removed under clause (1) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of such notice.

(4) Notwithstanding anything contained in the Statutes, an employee, not being a teacher or a member of the academic staff, shall be entitled to resign,—

(i) if he is a permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof;

(ii) if he is not a permanent employee, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof:

Provided that such resignation shall take effect from the date on which the resignation is accepted by the appointing authority.

28. *Honorary Vacancies.*—(1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

29. *Withdrawal of degrees, etc.*—The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

30. *Maintenance of discipline among students of the University.*—(1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or any of his powers as he deems proper to a Proctor and to such other officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in the exercise of his powers, by order, direct that any student or students be expelled, or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or a Department for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The Principals of Colleges, Institutions, Heads of Special Centres, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Special Centres, Schools and teaching Departments in the University as may be necessary for the proper conduct of such Colleges, Institutions, Special Centres, Schools and teaching in the Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, the Principals and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Principals of Colleges, Institutions, Heads of Special Centres, Deans of Schools of Studies and Heads of teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purposes. Every student shall be supplied with a copy of the rules made by the University and a copy of the supplementary rules shall be supplied to the students concerned.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

31. *Maintenance of discipline among students of Colleges, etc.* — All powers relating to discipline and disciplinary action in relation to students of a College or an Institution, not maintained by the University, shall vest in the Principal of the College or Institution, as the case may be, in accordance with the procedure prescribed by the Ordinances.

32. *Admission of Colleges, etc., to the privileges of the University.* — (1) Colleges and other Institutions situated within the jurisdiction of the University may be admitted to such privileges of the University as the Executive Council may decide on the following conditions, namely: —

(i) Every such College or Institution shall have a regularly constituted Governing Body, consisting of not more than fifteen persons approved by the Executive Council and including among others, two teachers of the University to be nominated by the Executive Council and three representatives of the teaching staff of whom the Principal of the College or Institution shall be one. The procedure for appointment of members of the Governing Body and other matters affecting the management of a College or an Institution shall be prescribed by the Ordinances:

Provided that the said condition shall not apply in the case of Colleges and Institutions maintained by Government which shall, however, have an Advisory Committee consisting of not more than fifteen persons which shall consist of, among others, three teachers including the Principal of the College or Institution, and two teachers of the University nominated by the Executive Council.

(ii) Every such College or Institution shall satisfy the Executive Council on the following matters, namely:—

(a) the suitability and adequacy of its accommodation and equipment for teaching;

(b) the qualifications and adequacy of its teaching staff and the conditions of their service;

(c) the arrangements for the residence, welfare, discipline and supervision of students;

(d) the adequacy of financial provision made for the continued maintenance of the College or Institution; and

(e) such other matters as are essential for the maintenance of the standards of University education.

(iii) No College or Institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose by the Academic Council.

(iv) Colleges and Institutions desirous of admission to any privileges of the University shall be required to intimate their intention to do so in writing so as to reach the Registrar not later than the 15th August, preceding the year from which permission applied for is to have effect.

(v) A College or an Institution shall not, without the previous permission of the Executive

Council and the Academic Council, suspend instruction in any subject or course of study which it is authorised to teach and teaches.

(2) Appointment to the teaching staff and Principals of Colleges or Institutions admitted to the privileges of the University shall be made in the manner prescribed by the Ordinances:

Provided that nothing in this clause shall apply to Colleges and Institutions maintained by Government.

(3) The service conditions of the administrative and other non-academic staff of every College or Institution referred to in clause (2) shall be such as may be laid down in the Ordinances;

Provided that nothing in this clause shall apply to Colleges and Institutions maintained by Government.

(4) Every College or Institution admitted to the privileges of the University shall be inspected at least once in every two academic years by a Committee appointed by the Academic Council, and the report of that Committee shall be submitted to the Academic Council, which shall forward the same to the Executive Council with such recommendations as it may deem fit to make. The Executive Council, after considering the report and the recommendations, if any, of the Academic Council, shall forward a copy of the report to the Governing Body of the College or Institution with such remarks, if any, as it may deem fit, for suitable action.

(5) The Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a College or Institution, at any time it considers that the College or Institution does not satisfy any of the conditions on the fulfilment of which the College or Institution was admitted to such privileges:

Provided that before any privileges are so withdrawn, the Governing Body of the College or Institution concerned shall be given an opportunity to represent to the Executive Council why such action should not be taken.

(6) Subject to the conditions set forth in clause (1), the Ordinances may prescribe—

(i) such other conditions as may be considered necessary;

(ii) the procedure for the admission of Colleges and Institutions to the privileges of the University and for the withdrawal of those privileges.

33. *Convocations.* — Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

34. *Acting Chairman of meetings.* — Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

35. *Resignation.* — Any member, other than an *ex-officio* member of the Court, the Executive Council,

the Academic Council or any other authority of the University or any committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

36. *Disqualifications.* — (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University—

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

37. *Residence condition for membership and office.* — Notwithstanding anything contained in the Statutes, no person who is not ordinarily resident in India shall be eligible to be an officer of the University or a member of any authority of the University.

38. *Membership of authorities by virtue of membership of other bodies.* — Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

39. *Alumni Association.* — (1) There shall be an Alumni Association for the University.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of the election and is a graduate of the University of at least five years' standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

40. *Students' Council.* — (1) There shall be constituted in the University, a Students' Council for every academic year, consisting of:—

(a) the Director of Physical Education Sports, National Service and Students' Welfare who shall be the Chairman of the Students' Council;

(b) all students who have won prizes in the previous academic year in the fields of studies, fine arts, sports and extension work;

(c) twenty students to be nominated by the Academic Council on the basis of merit in studies, sports, extra-curricular activities and all-round development of personality:

Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least one in an academic year preferably in the beginning of that year.

41. *Ordinances how made.* — (1) The first Ordinances made under sub-section (2) of section 27 may be amended, repealed or added to at one time by the Executive Council in the manner specified below.

(2) No Ordinance in respect of the matters enumerated in section 27, other than those enumerated in clause (n) of sub-section (1) thereof, shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption. The Visitor shall have the power to direct the University within four weeks of the receipt of the Ordinance to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Executive Council about his objection to the proposed Ordinance. The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

42. *Regulations.* — (1) The authorities of the University may make Regulations consistent with the Act, and the Statutes and the Ordinances: —

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which are required by the Act, the Statutes or the Ordinances to be prescribed by Regulations;

(c) providing for all matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify, of any Regulation made under the Statutes or the annulment of any such Regulation.

43. *Delegation of powers.* — Subject to the provisions of the Act and Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

THE STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1985

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The Standards of Weights and Measures (Enforcement) Act, 1985

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to provide for the enforcement of the standards of weights and measures established by or under the Standards of Weights and Measures Act, 1976, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title extent and commencement.*— (1) This Act may be called the Standards of Weights and Measures (Enforcement) Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date as the State Government may, by notification, appoint, and different dates may be appointed for different provisions thereof, in or in relation to different—

- (a) areas in the State; or
- (b) classes of undertakings in the State, or
- (c) classes of goods produced, sold, distributed, marketed or transferred in the State; or
- (d) classes of services rendered in the State; or
- (e) classes of weights and measures manufactured, sold, distributed, marketed, transferred, repaired or used in the State; or
- (f) classes of users of weights and measures in the State,

and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of this Act, or, as the case may be, of that provision, in such areas or in respect of such classes of undertakings, goods, services, classes of weights and measures or classes of users of weights and measures, in relation to which, or whom, this Act has been brought into force.

2. *Act not to apply to inter-State trade or commerce.*— Nothing in this Act shall apply to any inter-State trade or commerce in—

- (a) any weight or measure, or
- (b) any other goods which are sold, delivered or distributed by weight, measure or number.

3. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Additional Controller” includes a Joint Controller, Deputy Controller and an Assistant Controller appointed under section 5;

(b) “authorised seal or stamp” means a seal or stamp made under, and in accordance with, the provisions of this Act;

(c) “Controller” means the Controller of Legal Metrology appointed under section 5;

(d) “counterfeit”, in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorised seal or stamp, as the case may be, intending by that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation I.— It is not essential that the resemblance of the counterfeit seal or stamp to the authorised seal or stamp should be exact.

Explanation II.— When a person causes a counterfeit seal or stamp to resemble an authorised seal or stamp and the resemblance is such that if a person relies on such seal or stamp, he might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the seal or stamp to resemble the authorised seal or stamp intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised;

(e) “heap” means any unit of a commodity for sale where such sale is intended to be made without any weighing or measurement or, where, the sale is made by number, without counting the number;

(f) “Inspector” means a person who is appointed as such under section 5, by whatever name called;

(g) "mint" means a mint of the Central Government;

(h) "notification" means a notification published in the Official Gazette;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "protection" means the utilisation of any weight or measure, or any reading obtained with the help of any weight or measure, for the purpose of determining whether or not any step is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing, whether individually or collectively;

(k) "Standards Act" means the Standards of Weights and Measures Act, 1976; 60 of 1976.

(l) "standard weight or measure" means a weight, measure or number which conforms to the standards established in relation thereto by or under the Standards Act;

(m) "State Act" means the Act enacted by the Legislature of a State for the enforcement of the standards established by or under the Standards of Weights and Measures Act, 1956; 89 of 1956.

(n) "State Government", in relation to a Union territory, means the Administrator thereof;

(o) words and expressions used in this Act and not defined but defined in the Standards Act shall have the meanings respectively assigned to them in that Act.

4. *Provisions of this Act to override the provisions of any other law except the Standards Act.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act and the Standards Act or in any instrument having effect by virtue of any enactment other than this Act or the Standards Act.

CHAPTER II

Appointment of Controllers, Inspectors and other officers

5. *Appointment of Controllers, Inspectors and other officers and staff.*—(1) The State Government may, by notification, appoint a Controller of Legal Metrology for the State and as many Additional, Joint, Deputy or Assistant Controllers, Inspectors, and other officers and staff as may be necessary for exercising the powers, and efficiently discharging the duties, conferred or imposed on them by or under this Act or the Standards Act.

(2) Every Additional Controller, Inspector or other officer, appointed under sub-section (1), shall exercise such powers and discharge such functions of the Controller as the State Government may by notification, authorise in this behalf.

(3) The Controller may, by general or special order, define the local limits within which each Additional Controller, Inspector or other officer, appointed under sub-section (1), shall exercise his powers and discharge the duties conferred or imposed on him by or under this Act.

(4) Subject to the provisions of this Act, every Additional Controller, Inspector and other officer appointed under sub-section (1), shall exercise his powers and discharge the duties of his office under the general superintendence, direction and control of the Controller and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him directly by or under this Act and not by way of authorisation.

(5) The Controller and every Additional Controller and other officer authorised by or under this Act may also—

(a) perform all or any of the functions of, and

(b) exercise all or any of the powers conferred by this Act or any rule or order made thereunder, on,

an Inspector.

6. *Power to authorise Inspector to adjust weights or measures.*—Where the Controller is of opinion that it is necessary so to do, he may, by an order in writing, authorise any officer not below the rank of an Inspector, to adjust any weight or measure in any area within the local limits of his jurisdiction.

7. *Controller and officers appointed under this Act to be public servants.*—(a) The Controller and every Additional Controller, and every Inspector, and

(b) every other officer authorised by or under this Act to perform any duty,

shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

8. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Controller, any Additional Controller, Inspector or any other person authorised by or under this Act to exercise any power or to perform any duty in respect of anything which is in good faith done or intended to be done under this Act or the Standards Act or any rule or order made under either of the Acts aforesaid.

CHAPTER III

General provisions in relation to Standard Weights and Measures

9. *Prohibition of use of weights and measures other than standard weights and measures.*—(1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure, other than the standard weight or measure, shall be used or kept in any premises in such circumstances as to indicate that such weight or measure is intended, or is likely to be used, for any weightment or measurement.

(2) On and from the commencement of this Act, no weight, measure or number, other than the standard weight or measure shall be used in, or form the basis of, any contract or other agreement in relation to any trade, commerce, production or protection.

(3) Any contract or other agreement, which contravenes the provisions of sub-section (2), shall be void.

10. *Use of weights only or measures only in certain cases* — (1) The State Government may, by rules made in this behalf, direct that in respect of the classes of goods, services or undertakings or users specified therein—

(a) no transaction, dealing or contract shall be made or had, or

(b) no industrial production shall be undertaken, or

(c) no use for protection shall be made except by such weight, measure or number as may be specified therein.

(2) Any rule made under sub-section (1) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.

11. *Prohibition of quotations, etc., otherwise than in terms of standard weight or measure*. — Except where he is permitted under the Standards Act so to do, no person shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered—

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or

(b) issue or exhibit any price list, invoice, cash memo or other document, or

(c) mention any weight or measure in any advertisement, poster or other document, or

(d) indicate the weight, measure or number of the net contents of any package on the package itself or on any label, carton or other thing, or

(e) express, in relation to any transaction, industrial production or protection, any quantity or dimension,

otherwise than in accordance with the standard weight or measure.

CHAPTER IV

Custody and verification of standard equipments

12. *Custody and verification of reference standards*. — Every reference standard shall be kept at such place and in such custody as may be prescribed, and no such reference standard shall be deemed to be a reference standard and shall be used as such unless it has been verified, authenticated and maintained in accordance with the rules made under the Standards Act.

13. *Preparation of secondary and working standards* — The State Government may cause to be prepared at the metrological wing of the mint at Bombay, as many sets of secondary standards or working standards as it may think necessary:

Provided that where the mint intimates the State Government in writing that it is unable to prepare any secondary standard or working standard, that Government may cause such secondary standard or working standard to be prepared by such organisation as the Central Government may, on a reference made to it by the State Government, by notification, specify in this behalf.

14. *Verification, stamping and custody of secondary working standards*. — (1) Every secondary standard or working standard referred to in section 13, shall conform to the standards established by or under the Standards Act and shall be verified—

(a) in the case of a secondary standard, at any one of the places where reference standards are maintained, against the appropriate reference standard;

(b) in the case of a working standard, at any one of the places where secondary standards are maintained, against the appropriate secondary standard,

in such manner and at such periodical intervals as may be specified by or under the Standards Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped.

(2) Where any secondary standard or working standard is stamped under sub-section (1), a certificate shall be separately issued showing the date on which such weight or measure was stamped.

(3) Every verification and stamping referred to in sub-section (1) shall be made by such person or authority as may be specified by or under the Standards Act.

(4) A secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (1) and sub-section (3) shall not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, for the verification of any weight or measure.

(5) Every verified secondary standard and every verified working standard shall be kept at such place and in such custody as may be prescribed.

15. *Secondary or working standard which may not be stamped*. — (1) Where the State Government is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not desirable or practicable to put a stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under the Standards Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued.

(2) Every certificate referred to in sub-section (1) shall be in such form as may be prescribed and shall contain such details as to enable a clear identification of the weight or measure to which it relates.

CHAPTER V

Registration of users of weights and measures

16. *Persons using weights or measures for transactions or industrial production or for protection to get themselves registered*. — No person, not being an itinerant vendor, shall use any weight or measure in any transaction or for industrial production or for protection unless he is registered in accordance with the provisions of this Chapter.

17. *Procedure of registration.* — (1) Every person, who intends to commence, or carry on the use of any weight or measure in any transaction or for industrial production or for protection, shall make, within such time and containing such particulars as may be prescribed, an application for the inclusion of his name in a register to be maintained for the purpose (hereinafter in this section referred to as the "Register of Users").

(2) The Register of Users shall be maintained in such form and in such manner as may be prescribed.

(3) The application referred to in sub-section (1) shall be made to the Controller or to such other person as the Controller may, by general or special order in writing, authorise in this behalf and every such application shall be made in such form, in such manner and on payment of such fee as may be prescribed.

(4) On receipt of the application referred to in sub-section (1), the Controller or the person authorised by him shall include the name of such person in the Register of Users and issue to the applicant a certificate to the effect that his name has been so included.

(5) A certificate issued under sub-section (4) shall be valid for the period specified therein and may be renewed from time to time for such further period and on payment of such fee as may be prescribed.

18. *Punishment for non-registration.* — Whoever uses, after the expiry of the period prescribed under sub-section (1) of section 17, any weight or measure in any transaction or for industrial production or for protection shall, unless he is registered in accordance with the provisions of this Chapter, be punishable with fine which may extend to five hundred rupees, and for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER VI

Manufacture, repair or sale of weights or measures

19. *Prohibition on the manufacture, repair or sale of weights or measures without licence.* — (1) No person shall make, manufacture, repair or sell, or offer, expose or possess for repair or sale, any weight or measure unless he holds a valid licence issued in this behalf by the Controller authorising such person to do so:

Provided that a person who *bona fide* repairs any weight or measure owned and possessed by him shall not be required to take out a licence referred to in this sub-section.

(2) Every licence issued under this section —

(a) shall be —

- (i) in such form,
- (ii) issued on payment of such fees, and
- (iii) valid for such period,

as may be prescribed,

(b) may be renewed from time to time, and

(c) may contain such conditions and restrictions as may be prescribed.

(3) Every licence issued under the State Act shall, if in force immediately before the commencement of this Act, continue to be in force until the expiry of the period of its validity, or until the cancellation thereof, whichever is earlier, and may be renewed under this Act after the expiry of the period of its validity, if an application for such renewal is made in the prescribed form at least one month before the expiry of the period of validity of the licence.

(4) Every person who intends to commence business, after the commencement of this Act, as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form and on payment of such fees as may be prescribed, for the issue of a licence to him, and every licence so issued may be renewed if an application for its renewal, accompanied by such fee as may be prescribed, is made by such person in the prescribed form at least one month before the expiry of the period of its validity.

(5) The Controller may, if he is satisfied that the maker, manufacturer, repairer or seller, as the case may be, of any weight or measure was prevented by sufficient cause from making an application for the renewal of his licence before the expiry of the period of the validity thereof, permit him to make the application within a further period of one month from the date of expiry of the period of such validity, on payment by him of such further fee, not exceeding the fee which is payable for the issue of the licence.

(6) No application for the issue or renewal of a licence shall be rejected unless —

(a) the applicant or, as the case may be, the holder of the licence has been given a reasonable opportunity of showing cause against the proposed action, and

(b) the Controller is satisfied that —

(i) the application has not been made within the time specified in this section, or

(ii) the applicant has made any statement in, or in relation to, the application for the issue or renewal of the licence which is incorrect or false in material particulars, or

(iii) the applicant has contravened any provision of the Standards Act or of any State Act or of this Act or of any rule or order made under the Standards Act, State Act or this Act.

(7) The Controller may require every repairer licensed under this Act to furnish to the State Government security for such sum, not exceeding two hundred rupees, as may be prescribed.

(8) Nothing contained in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) of any weight or measure:

Provided that no sale of any weight or measure of the prescribed description shall be made except with the written permission of the Controller.

(9) Every licence issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on his business.

20. *Suspension and cancellation of licence.* — (1) The Controller may, if he has any reasonable cause

to believe that the holder of any licence issued, renewed or continued under this Act has made any statement in, or in relation to, any application for the issue, renewal or continuance of the licence, which is incorrect or false in any material particular or has contravened any provision of the Standards Act or any State Act or this Act or any rule or order made thereunder, suspend such licence, pending the completion of any inquiry or trial against the holder of such licence:

Provided that no such licence shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action:

Provided further that where the inquiry or trial referred to in this sub-section is not completed within a period of three months from the date of suspension of a licence, such suspension shall, on the expiry of the period aforesaid, stand vacated.

(2) The Controller may, if he is satisfied, after making such inquiry as he may think fit, that the holder of a licence has made a false or incorrect statement of the nature referred to in sub-section (1), or has contravened any law or order referred to in that sub-section, cancel such licence:

Provided that no such licence shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every person whose licence has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension has been, or stands, vacated.

(4) Every licensee whose licence has been suspended or cancelled shall, after such suspension or cancellation, as the case may be, surrender such licence to the authority by which such licence was issued.

(5) Every licensee whose licence has been cancelled shall, within a period of thirty days from the date of such cancellation, or within such further period, not exceeding three months from such date, as the Controller may, on sufficient cause being shown, allow, dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation, and in the event of his failure to do so, the Controller or any other officer authorised by him, in writing, in this behalf, may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.

21. *Manufacture of weights or measures.* — Save as otherwise provided in the Standards Act, no person shall —

(a) make or manufacture any weight or measure unless such weight or measure conforms to the standards established by or under the Standards Act;

(b) make or manufacture any weight or measure with indications thereon of any weights or measures in accordance with any unit other than the units of weight or measure specified by or under the Standards Act.

22. *Prohibition of sale or use of unstamped weights or measures.* — No weight or measure shall be sold, or offered, exposed or possessed for sale, or used or kept for use in any transaction or for industrial production or for protection unless it has been verified and stamped:

Provided that nothing in this section shall apply to any weight or measure which has been initially verified and stamped with a special seal referred to in sub-section (3) of section 41 of the Standards Act.

23. *Manufacturer etc., to maintain records and registers.* — (1) Every maker, manufacturer, repairer or dealer and every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as may be prescribed, and, if required so to do by an Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do, he may, by order, exempt such maker, manufacturer, dealer, repairer or user from the operation of sub-section (1).

CHAPTER VII

Verification and stamping of weights or measures

24. *Verification and stamping of weights or measures.* — (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended or likely to be, used by him in any transaction or for industrial production or for protection, shall, before putting such weight or measure into such use, have weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time), on payment of such fees as may be prescribed.

(2) Every weight or measure referred to in sub-section (1) shall be re-verified at such periodical intervals as may be prescribed.

Explanation. — For the removal of doubts it is hereby declared that no periodical re-verification shall be necessary in relation to any weight or measure which is used exclusively for domestic purposes.

(3) Every Inspector shall, for the purpose or verification of any weight or measure, attend the specified place (within the local limits of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the standards established by or under the Standards Act, put his stamp thereon:

Provided that where any weight or measure is such that it cannot, or should not, be moved from its location, the Inspector shall take such steps for the verification of such weight or measure at the place of its location as may be prescribed.

(4) Where any verification has been made under sub-section (3), the Inspector shall grant to the person referred to in sub-section (1) a certificate in the prescribed form indicating therein the particulars of the weight or measure verified and stamped by him.

(5) Where the Controller is of opinion that by reason of the size or nature of any weight or measure, it is not desirable or practicable to put a stamp thereon, he may, by an order in writing, direct that instead of putting a stamp on such weight or measure, a certificate may be issued to the effect that such weight or measure conforms to the standards established by or under the Standards Act and every weight or measure so certified shall be deemed to have been duly verified and stamped under this Act on the date on which such certificate was issued.

(6) Every certificate referred to in sub-section (5) shall be in such form as may be prescribed and shall contain such details as to enable a clear identification of the weight or measure to which it relates.

25. Display of certificate of verification.— Every certificate of verification granted under this Act shall be displayed in a conspicuous place in the premises where such weight or measure is being, or is intended or likely to be, used in any transaction or for industrial production or for protection.

26. Validity of weights or measures duly stamped.— (1) A weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall be deemed to conform to the standards established by or under the Standards Act at every place within the State in which it is stamped unless it is found on inspection or verification that such weight or measure has ceased to conform to the standards established by or under the Standards Act.

(2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason of the fact that it is being used at any place within the State other than the place at which it was originally verified and stamped:

Provided that where a verified weight or measure, installed at one place, is dismantled and re-installed at a different place, such weight or measure shall not be put into use unless it has been duly re-verified and stamped, notwithstanding that periodical re-verification of such weight or measure has not become due.

(3) Where a verified weight or measure has been repaired, whether by a licensed repairer or by the person owning and possessing the same, such weight or measure shall not be put into use unless it has been duly re-verified and stamped, notwithstanding that periodical re-verification of such weight or measure has not become due.

CHAPTER VIII

Inspection, search, seizure and forfeiture

27. Power to inspect.— (1) An Inspector may, within the local limits of his jurisdiction, inspect

and test, at all reasonable times, any weight or measure which —

(i) is in the possession, custody or control of any person, or

(ii) is in or on any premises,

in such circumstances as to indicate that such weight or measure is being, or is intended or likely to be, used in any transaction or for industrial production or for protection, and may also verify whether such weight or measure is in conformity with the standards established by or under the Standards Act.

(2) For the purpose of ascertaining the correctness of any weight or measure used in any transaction, an Inspector may also test the weight or measure of the article sold or delivered to any person in the course of such transaction.

28. Power Inspector to require production of weight or measure or records for inspection.— (1) An Inspector may, if he has any reasonable cause to believe that an offence punishable under this Act has been, or is likely to be, committed in respect of any weight or measure or that any weight or measure does not conform to the standards established by or under the Standards Act, require, at all reasonable times, the person having the custody or control of such weight or measure to produce before him for inspection every such weight or measure which —

(i) is used by such person or is caused by such person to be used by any other person, or

(ii) is in the possession, custody or control of such person for use, or

(iii) is kept in or on any premises for use, in any transaction or for industrial production or for protection.

(2) The Inspector may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person having the custody of such weight or measure shall comply with such requisition.

(3) On inspection, whether under section 27 or under this section, the Inspector shall obliterate the stamp on —

(a) any weight or measure which, being due for verification, has not been submitted for such verification;

(b) any weight or measure which, since the last verification and stamping, has been repaired or re-adjusted, and does not, after such repair or re-adjustment, conform to the standards established by or under the Standards Act;

(c) any weight or measure which does not admit of proper adjustment by reason of its being broken, indented or otherwise defective;

(d) any weight or measure other than those specified in clause (b) or clause (c) which does not, or cannot be made to, conform to the standards established by or under the Standards Act:

Provided that where the Inspector is of opinion that the defect or error in such weight or measure is not such as to require immediate obliteration of the stamp, he shall serve a notice on the user of

such weight or measure informing him of the defect or error found in the weight or measure and calling upon him to remove the defect or error within such time, not exceeding eight days, as he may specify, and shall —

(i) if the user fails to remove the defect or error within that period, obliterate the stamp, or

(ii) if the defect or error is so removed as to make the weight or measure conform to the standards established by or under the Standards Act, verify such weight or measure and put his stamp thereon.

Explanation. — The obliteration of the stamp on any weight or measure shall not take away or abridge the power of the Inspector to seize such weight or measure in accordance with the provisions of this Act.

29. Power of Inspector to enter premises. — An Inspector may, if he has any reason to believe, whether from any information given to him by any person and taken down by him in writing or from personal knowledge or otherwise, that an offence punishable under this Act has been, or is likely to be, committed in relation to any weight, measure or other goods which are sold, delivered or distributed by weight, measure or number, enter, at all reasonable times, into any premises —

(i) where such weight or measure is —

(a) made, manufactured, repaired, or sold, or

(b) used, or kept or believed to be kept for use, in any transaction or for industrial production or for protection;

(ii) where such goods are manufactured, packed, distributed or sold or kept or offered for sale in packaged form,

and inspect or verify any weight or measure or the net contents, by weight, measure or number, of any package, and may also examine any document or other record relating thereto.

30. Power to search. — (1) Where the Controller has reason to believe that any weight or measure, liable to be seized under this Act, or any document or thing in relation to any weight or measure, will be, in his opinion, useful for or relevant to, any proceeding under this Act, is secreted in any place, he may search or authorise any officer, not below the rank of an Inspector, to search for, and seize, such weight or measure document or thing, and the provisions of sections 100 and 102 of the Code of Criminal Procedure, 1973, shall apply to every such search. 2 of 1974.

(2) Every authorisation made by the Controller under sub-section (1) shall be deemed to be a warrant referred to in section 93 of the Code of Criminal Procedure, 1973. 2 of 1974.

31. Power of Inspector to seize any weight or measure. — (1) An Inspector may seize and detain any weight or measure in relation to which an offence under this Act is being, or appears to have

been, committed, or which is intended or likely to be used in the commission of such offence, and may also seize and detain any goods sold or delivered, or cause to be sold or delivered, by such weight or measure:

Provided that where any goods seized under this sub-section are subject to speedy or natural decay, the Inspector may dispose of such goods in such manner as may be prescribed.

(2) Where any weight, measure or any article is seized and detained under sub-section (1), the Inspector may also seize and detain any document or other record relating to such weight, measure or article.

(3) The provisions of section 102 of the Code of Criminal Procedure, 1973, shall apply to every seizure made under this section. 2 of 1974.

32. Forfeiture. — Every false or unverified weight or measure (other than those referred to in section 30 of the Standards Act) seized under the provisions of this Act shall be liable to be forfeited to Government:

Provided that such unverified weight or measure shall not be forfeited to the Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.

CHAPTER IX

Provisions with regard to the sale and distribution of commodities in packaged form within the State

33. Provisions of the Standards Act and the rules made thereunder relating to commodities in packaged form to apply to commodities in packaged form sold or distributed within the State. — (1) The provisions of the Standards Act and the rules made thereunder, as in force immediately before the commencement of this Act, with regard to commodities in packaged form shall, as far as may be, apply to every commodity in packaged form which is distributed, sold, or kept, offered or exposed for sale, in the State as if the provisions aforesaid were enacted by, or made under, this Act subject to the modification that any reference therein to the "Central Government", "Standards Act" and the "Director" shall be construed as references respectively, to the State Government, "this Act" and the "Controller".

(2) The State Government may make rules, not inconsistent with the Standards Act or any rule made thereunder, to regulate the packaging of any commodity intended to be sold or distributed, within the State, in packaged form, or to regulate the sale or distribution, within the State, of any commodity in packaged form.

Explanation. — For the purposes of this section, "commodity in packaged form" shall have the meaning assigned to it in the Standards Act, and shall include a prepacked commodity.

CHAPTER X

Provisions with regard to any custom or usage relating to the sale of any commodity, whether by quantity or number, and sale of commodities by heaps

34. Custom or usage requiring delivery of additional quantities to cease. — (1) Any custom, usage,

practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received, any quantity of article, thing or service in excess of, or less than, the quantity specified by weight, measure or number in any contract or other agreement in relation to the said article, thing or service, shall be void.

(2) Where, in relation to any commodity sold by number, there is a custom or usage of delivering a fixed number of such commodity in addition to the number of commodities paid for, such custom or usage shall, on and from the commencement of this Act, cease.

35. *Sale by heaps.* — (1) Where any commodity is sold by heaps, the approximate weight, measure or number of the commodity contained in each heap shall be conspicuously announced by the seller or his agent, if any, either by word of mouth or by a written notice placed on each heap:

Provided that no such announcement shall be necessary in the case of a heap where the total price of the commodity contained in such heap does not exceed two rupees.

(2) Where, on weighment, measurement or counting of any commodity sold by heap, it is found that the weight, measure or number, determined by such weighment, measurement or counting, is less than the approximate weight, measure or number announced by the seller or his agent and the deficiency is more than five per cent. of such announced weight, measure or number, the seller shall be deemed to have used a false weight or measure.

CHAPTER XI

Offences and penalties

36. *Penalty for manufacturing, etc., of non-standard weights or measures.* — Whoever —

(a) makes or manufactures, or causes to be made or manufactured (except where he is permitted under the Standards Act so to do), any weight or measure in accordance with any standards other than the standards established by or under the Standards Act, or

(b) (i) sells or otherwise transfers, or causes to be sold or otherwise transferred, or

(ii) lets, or causes to be let, on hire,

any weight or measure which has been manufactured in accordance with any standards other than the standards established by or under the Standards Act, shall be punished with imprisonment for a term which may extend to one year, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

37. *Penalty for counterfeiting of seals, etc.* — (1) Whoever —

(i) counterfeits any seal specified by or under this Act or the Standards Act, or

(ii) sells or otherwise disposes of any counterfeit seal, or

(iii) possesses any counterfeit seal, or

(iv) counterfeits any stamp, specified by or under this Act or the Standards Act or any rule made under either of those Acts, or

(v) removes any stamp made, whether under this Act or the Standards Act or any rule made under either of those Acts, or tampers with any stamp so made, or

(vi) removes any stamp made, whether under this Act or the Standards Act or any rule made under either of those Acts, and affixes the stamp so removed on, or inserts the same into, any other weight or measure, or

(vii) increases or diminishes or alters in any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby,

shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever obtains, by unlawful means, possession of any seal specified by or under this Act or the Standards Act and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the Standards Act shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the Standards Act uses, or causes to be used, such seal without any lawful authority for such use, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(4) Whoever sells, or offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe, bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

38. *Penalty for sale or delivery of commodities, etc., by non-standard weight or measure.* — (1) Except where he is permitted under the Standards Act so to do, whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any weight, measure or number other than the standard weight or measure, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

(2) Whoever renders, or causes to be rendered, any service in terms of any weight, measure or number other than the standard weight or measure, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence with imprisonment for a term which may extend to one year and also with fine.

39. *Penalty for keeping non-standard weights or measures for use and for other contraventions.*—

(1) Whoever keeps any weight or measure other than the standard weight or measure in any premises in such circumstances as to indicate that such weight or measure is being, or is likely to be, used for any—

(a) weighment or measurement, or

(b) transaction or for industrial production or for protection,

shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

(2) Whoever,—

(i) in selling any article or thing by weight, measure or number, delivers or causes to be delivered to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for and paid for, or

(ii) in rendering any service by weight, measure or number, renders that service less than the service contracted for and paid for, or

(iii) in buying any article or thing by weight, measure or number, fraudulently receives, or causes to be received any quantity or number of that article or thing in excess of the quantity or number contracted for and paid for, or

(iv) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for and paid for,

shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever enters, after the commencement of this Act, into any contract or other agreement (not being a contract or other agreement for export) in which any weight, measure or number is expressed in terms of any standard other than the standard weight or measure, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

40. *Penalty for contravention of section 10.*—Whoever, in relation to any specified class of goods, services, undertakings or users of weights or measures, uses in any transactions or for industrial production or for protection, any weight, measure or number, other than the weight, measure or number specified by rules made under section 10, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

41. *Penalty for contravention of section 11.*—Except where he is permitted under the Standards Act so to do, whoever, in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered,—

(a) quotes any price or charge, or makes any announcement with regard to the price or charge, or

(b) issues or exhibits any price list, invoice, cash memo, or other document, or

(c) mentions any weight or measure in any advertisement, poster or other document, or

(d) indicates the weight, measure or number of the net contents of any package or on any label, carton or other thing, or

(e) expresses, in relation to any transaction, industrial production or protection, any quantity or dimension,

otherwise than in accordance with the standard weight or measure, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

42. *Penalty for contravention of section 19.*—Whoever, being required to obtain a licence under this Act, makes manufactures, repairs or sells or offers, exposes or possesses for repair or sale, any weight or measure, without being in possession of a valid licence empowering him to do so, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

43. *Penalty for contravention of section 20.*—A licensee who after the suspension or cancellation of the licence issued to him or renewed or continued under this Act, omits or fails to stop functioning as a licensee under this Act, shall be punished with imprisonment for a term which may extend to one year.

44. *Penalty for contravention of section 21.*—Except where he is permitted under the Standards Act so to do, whoever makes or manufactures any weight or measure which,—

(a) though ostensibly purports to conform to the standards established by or under that Act, does not actually conform to the said standards, or

(b) bears thereon any indication of weight or measure which is not in conformity with the standards of weight or measure established by or under that Act, whether such indication is or is not in addition to the indication of weight or measure in accordance with the said standards,

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

45. *Penalty for contravention of section 22.*—Whoever,—

(a) sells, offers, exposes or possesses for sale, any weight or measure which has not been verified and stamped under this Act, or

(b) uses, or keeps for use, any weight or measure which, being required to be verified and stamped under this Act, has not been so verified and stamped,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine:

Provided that nothing in clause (b) shall apply, in relation to any weight or measure which is used for domestic purposes.

46. *Penalty for contravention of section 23.*—Whoever, being required by section 23 to maintain any record or register, omits or fails to do so, or being required by an Inspector to produce any records or registers for his inspection, omits or fails to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

47. *Penalty for contravention of section 24.*—Whoever, being required by section 24 to present any weight or measure for verification or re-verification, omits or fails, without any reasonable cause to do so, shall be punished with fine which may extend to five hundred rupees; and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

48. *Penalty for contravention of section 28.*—Whoever, being required by an Inspector, or any person authorised by or under this Act to exercise the powers of an Inspector, to produce before him for inspection any weight or measure or any document or other record relating thereto, omits or fails, without any reasonable cause, to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

49. *Penalty for contravention of section 29.*—Whoever obstructs the entry of an Inspector, or any person authorised by or under this Act to exercise the powers of an Inspector, into any premises for the inspection and verification of any weight or measure or any document or other record relating thereto or the net contents of any packaged commodity or for any other prescribed purpose, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years.

50. *Penalty for contravention of sections 30 and 31.*—Whoever prevents the Controller or any officer authorised by the Controller in this behalf, from searching any premises or prevents an Inspector from making any seizure of any weight, measure, packaged commodity, goods, document, record or label, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

51. *Penalty for contravention of section 33.*—(1) Whoever manufactures, distributes, packs, sells or keeps for sale or offers or exposes for sale, or has

in his possession for sale, any commodity in packaged form, shall, unless each such package conforms to the provisions of the Standards Act and the rules made thereunder, read with section 33, be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever manufactures, packs, distributes or sells, or causes to be manufactured, packed, distributed or sold, any commodity in packaged form, knowing or having reason to believe that the commodity contained in such package is lesser in weight, measure or number than the weight, measure or number, as the case may be, stated on the package or label thereon, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Explanation.—In determining, for the purpose of this sub-section, whether the quantity contained in a package is lesser than the quantity declared on the package or label thereon, the maximum permissible error specified under the Standards Act in relation to the commodity contained in such package, shall be taken into account.

52. *Penalty for contravention of section 35.*—Whoever sells any commodity by heaps without complying with the provisions of section 35, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

53. *Penalty for tampering with licence.*—Whoever alters or otherwise tampers with any licence issued or renewed under this Act or any rule made thereunder, otherwise than in accordance with any authorisation made by the Controller in this behalf, shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to one year, or with both.

54. *Penalty for selling or delivering rejected weights and measures.*—Whoever sells, delivers or disposes of, or causes to be sold, delivered or disposed of, any weight or measure which has been rejected on verification under this Act or the Standards Act, or any rule made under either of the said Acts, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both:

Provided that nothing in this section shall apply to the sale, as scrap, of any rejected weight or measure which has been defaced in the prescribed manner:

55. *Penalty for personation of officials.*—Whoever personates in any way the Controller, Additional Controller or a Inspector or any other officer authorised by the Controller, shall be punished with imprisonment for a term which may extend to three years.

56. *Penalty for giving false information or maintaining false records or registers.*—(1) Whoever

gives information to a Controller, Additional Controller or an Inspector or any other officer authorised by the Controller, which he may require or ask for in the course of his duty and which such person either knows or has reason to believe to be false or does not believe to be true, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, being required by or under this Act so to do, submits a return or maintains any record or register which is false in any material particular, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

57. Wilful verification or disclosure in contravention of Law.—(1) If any Inspector or any other officer exercising powers under this Act or any rule made thereunder wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or of any rule made thereunder, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) If any Inspector or other officer who enters into any premises in the course of his duty wilfully discloses, except in the performance of such duty, to any person any information obtained by him from such premises with regard to any trade secret or any secret in relation to any manufacturing process, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

58. Vexatious search.—An Inspector or any other officer exercising powers under this Act or any rule or order made thereunder who knows that there are no reasonable grounds for so doing, and yet—

(a) searches, or causes to be searched, any house, conveyance or place, or

(b) searches any person, or

(c) seizes any weight, measure or other movable property,

shall, for every such offence, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

59. Penalty for contraventions not separately provided for.—Whoever contravenes any provision of this Act for the contravention of which no punishment has been separately provided for in this Act, shall be punished with fine which may extend to two thousand rupees.

60. Presumption to be made in certain cases.—(1) If any person—

(a) makes or manufactures, or causes to be made or manufactured, any false weight or measure, or

(b) uses, or causes to be used, any false or unverified weight or measure in any transaction or for industrial production or for protection, or

(c) sells, distributes, delivers or otherwise transfers or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure,

it shall be presumed, until the contrary is proved, that he had done so with the knowledge that the weight or measure was a false or unverified weight or measure, as the case may be.

(2) If any person has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in any transaction or for industrial production or for protection, it shall be presumed, until the contrary is proved, that such false or unverified weight or measure was possessed, held or controlled by such person with the intention of using the same in any transaction or for industrial production or for protection.

61. When employer to be deemed to have abetted an offence.—(1) Any employer, who knows or has reason to believe that any person employed by him has, in the course of such employment, contravened any provision of this Act or any rule made thereunder, shall be deemed to have abetted an offence against this Act:

Provided that no such abetment shall be deemed to have taken place if such employer has, before the expiry of seven days from the date on which—

(a) he comes to know of the contravention, or

(b) he has reason to believe that such contravention has been made,

intimated, in writing, to the Controller the name of the person by whom such contravention was made and the date and other particulars of such contravention.

(2) Whoever is deemed under sub-section (1) to have abetted an offence against this Act shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Explanation.—Dismissal or termination of service of an employee after the expiry of the period specified in the proviso to sub-section (1) shall not absolve any employer of his liability under this sub-section.

62. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge, or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that

the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation — For the purposes of this section, —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

63. *Cognizance of offences.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973, — 2 of 1974.

(a) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Controller or any other officer authorised in this behalf by the Controller by general or special order;

(b) no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

64. *Summary trial of certain offences.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under section 36, section 38, section 39, section 40, section 41, section 42, section 45, section 51, section 52 or sub-section (3) of section 72 may be tried summarily. 2 of 1974.

65. *Compounding of offences.* — (1) Any offence punishable under section 39, section 40, section 41, section 42, section 44, section 45, section 46, section 47, section 48, section 51, section 52, section 54 or section 59 or any rule made under sub-section (3) of section 72, may either before or after the institution of the prosecution, be compounded, by the Controller or such other officer as may be authorised in this behalf by the Controller, on payment for credit to the State Government, of such sum as the Controller or such other officer may specify.

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Nothing contained in sub-section (1) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation. — For the purpose of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(3) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be shall be taken against the offen-

der, in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

((4) No offence punishable under this Act shall be compounded except as provided by this section.

66. *Provisions of Indian Penal Code not to apply to any offence under this Act.* — The provisions of the Indian Penal Code, in so far as such provisions relate to offences with regard to weights or measures, shall not apply to any offence which is punishable under this Act. 45 of 1860.

CHAPTER XII

Miscellaneous

67. *Transfer or transmission of business.* — (1) Where the business of a person licensed under this Act is transmitted by succession, intestate or testamentary, the heir or legatee, as the case may be, of such person shall not carry on the business of such licensee either in his own name or in any other name, unless the heir or legatee has, before the expiry of sixty days after the date of such transmission, made to the Controller an application for the issue of a licence in accordance with the provisions of this Act:

Provided that nothing in this section shall be deemed to prohibit the heir or legatee from carrying on business as such licensee for the aforesaid period of sixty days, and, if he has applied for such licence, until he is granted the licence or is, by a notice in writing informed by the Controller that such licence cannot be granted to him.

(2) Where the business of any person licensed under this Act is transferred by sale, gift, lease or otherwise, the transferee or lessee, as the case may be, shall not carry on such business either in his own name or in any other name, unless he has obtained a licence to carry on such business.

68. *Licences neither saleable nor transferable.* — A licence issued or renewed under this Act shall not be saleable or otherwise transferable.

69. *Appeals.* — (1) Subject to the provisions of sub-section (2), an appeal shall lie—

(a) from every decision given or order made under Chapter V, Chapter VI, Chapter VII, Chapter VIII, Chapter IX or Chapter X of this Act, by—

(i) an Inspector, or

(ii) an Additional Controller,

to the Controller; and

(b) from every decision given or order made by the Controller under Chapter V, Chapter VI, Chapter VII, Chapter VIII, Chapter IX or Chapter X of this Act, not being a decision made in appeal under clause (a),

to the State Government or any officer specially authorised in this behalf by that Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision or order appealed against:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal, a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision or order appealed against, or may send back the case with such direction as it may think fit for a fresh decision or order after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees as may be prescribed.

(5) The State Government may, on its own motion or otherwise, call for and examine the record of any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

70. Levy of fees.— The State Government may, by rules made under section 72, levy such fees, not exceeding—

(a) five hundred rupees, for the application for the issue or renewal of a licence for making or manufacturing of any weight or measure,

(b) one hundred rupees, for the issue of a licence for repairing or selling of any weight or measure,

(c) fifty rupees, for the alteration of any licence,

(d) five thousand rupees, on a graded scale, for the verification of any weight or measure, having regard to the time and labour which may be involved in making such verification,

(e) ten rupees, for the adjustment of any weight or measure,

(f) ten rupees, for the issue of a duplicate licence or certificate of verification,

(g) one rupee, for every one hundred words or less, for the grant of copies of any document, not being a document of a confidential nature,

(h) twenty-five rupees, for any appeal preferred under this Act,

(i) five rupees, for application for registration or renewal of registration under section 17.

71. Delegation of powers.— (1) The State Government may, by notification, direct that any power exercisable by it under this Act or any rule made thereunder, not being a power conferred by section 69 (relating to appeal) or section 70 (power to lay down scale of fee) or section 72 (power to

make rules), in relation to such matters and subject to such conditions as may be specified, may be exercised also by such officer subordinate to it as may be specified in the notification.

(2) Subject to any general or special direction or condition imposed by the State Government, any person authorised by the State Government to exercise any powers may exercise those powers in the same manner and to the same extent as if they had been conferred on that person directly by this Act and not by way of delegation.

72. Power to make rules.— (1) The State Government may, by notification and after consultation with the Central Government, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the class of goods, services, undertakings or users in relation to which no transaction, dealing or contract, or industrial production or use for protection shall be made or had or undertaken except by such weight, measure or number as required by section 10;

(b) the places at which, and the custody in which, the following standards shall be kept, namely:—

(i) reference standards,

(ii) secondary standards,

(iii) working standards,

as required by section 12 and sub-section (5) of section 14;

(c) the form and details of particulars for identification of weight or measure referred to in sub-section (2) of section 15;

(d) the time within which an application referred to in sub-section (1) of section 17 shall be made, the particulars which such application shall contain and the form and manner in which such application shall be made;

(e) the form and manner in which the register referred to in sub-section (2) of section 17 shall be maintained;

(f) the form and manner in which an application shall be made under sub-section (3) of section 17;

(g) the form in which an application shall be made for the issue or renewal of a licence to carry on business as a maker, manufacturer, repairer or dealer of any weight or measure, as required by sub-section (4) of section 19;

(h) the form in which and the conditions, limitations and restrictions subject to which any licence may be issued and the period of validity of such licence, as required by sub-section (2) of section 19;

(i) the sum to be furnished by a repairer as security as required by sub-section (7) of section 19;

(j) the description of weight or measure which may not be sold by a user except with the written

permission of the Controller as required by sub-section (8) of section 19;

(k) the manner of disposal of weights or measures after cancellation of licence and the distribution of proceeds thereof as required by sub-section (5) of section 20;

(l) the records and registers relating to weights or measures to be maintained in pursuance of the provisions of sub-section (1) of section 23;

(m) the period within which weights or measures shall be verified or re-verified as required by sub-section (2) of section 24;

(n) the steps to be taken for verifying any weight or measure which cannot, or should not, be moved from its location, as required by the proviso to sub-section (3) of section 24;

(o) the form in which a certificate of verification of any weight or measure shall be granted as required by sub-section (4) of section 24 and the form in which the certificate referred to in sub-section (5) of section 24 shall be issued and the details which such certificate shall contain, as required by sub-section (6) of section 24;

(p) the manner of disposal of seized articles which are subject to speedy or natural decay, as required by the proviso to sub-section (1) of section 31;

(q) the time within which an unverified weight or measure seized under this Act may be permitted under the proviso to section 32 to be verified and stamped;

(r) the manner in which, and the conditions, restrictions and limitations subject to which, —

(i) any commodity intended to be sold or distributed, within the State, shall be packaged, or

(ii) the sale or distribution of any commodity in packaged form shall be made within the State,

as required by sub-section (2) of section 33;

(s) the manner of obliteration of stamps on rejected weights or measures, as required by the proviso to section 54;

(t) the form in which appeals may be preferred under section 69 and the procedure for the hearing of appeals;

(u) the amount of fees which may be levied and collected for each of the matters specified in section 70;

(v) any other matter which is required to be, or may be, prescribed.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of the rule being made after previous publication in the Official Gazette.

(5) Every rule made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the Legislature, before that House.

73. *Power of State Government to make provisions of the Standards Act relating to approval of models applicable to models of weights or measures intended to be used exclusively within the State.*—

(1) Where any type of weight or measure manufactured by a licensed manufacturer is such that all the weights or measures of that type manufactured by him within the State is intended to be sold, distributed or delivered therein, the State Government may, by notification, direct that the model of every such type of weight or measure shall be submitted for approval in accordance with provisions of sections 36, 37 and 38 of the Standards Act, and thereupon, the provisions of the said sections 36, 37 and 38 shall become applicable to such model, and references in those sections to the Central Government and to the Standards Act shall be construed as references, respectively, to the State Government and this Act.

(2) Where the State Government makes a direction under sub-section (1) in relation to any type of weight or measure, any contravention of the provisions of section 39, section 40 or section 41 of the Standards Act in relation to that type of weight or measure shall be an offence punishable under this Act and the punishment provided therefor in the Standards Act shall be deemed to be the punishment provided therefor in this Act as if the said provisions relating to punishments were enacted by this Act.

74. *Act not to apply in certain cases.*—The provisions of this Act, in so far as they relate to the verification and stamping of weights and measures, shall not apply to any weight or measure, —

(a) used in any factory exclusively engaged in the manufacture of any arms, or ammunition, or both, for the use of the Armed Forces of the Union;

(b) used for scientific investigation or for research;

(c) manufactured exclusively for export.

75. *Repeal and savings.*—(1) On the commencement of any provision of this Act in a State, the corresponding provision of any law in force for the time being in that State shall stand repealed, and on such repeal, the provisions of section 6 of the General Clauses Act, 1897, shall apply as if the provisions so repealed were the provisions of a Central Act.

(2) Notwithstanding such repeal, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorisation or consent made, issued or given under such law shall, if in force at the commencement of this Act, continue to be in force and have effect as if it were made, issued or given under the corresponding provisions of this Act.

The Coal Mines (Conservation and Development)
Amendment Act, 1985

AN

ACT

further to amend the Coal Mines (Conservation and Development) Act, 1974.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Coal Mines (Conservation and Development) Amendment Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4.*—In section 4 of the Coal Mines (Conservation and Development) Act, 1974 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government may, if it is satisfied after consideration of all the facts and circumstances that the recovery of the cost of measures, if any, undertaken by it under sub-section (1) or sub-section (2) in relation to a coal mine is justified, recover such cost from the owner, agent or manager of the local mine, either wholly or partly, in the same manner as an arrear of land revenue.”

3. *Amendment of section 8.*—Section 8 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted namely:—

“(2) Where any duty of excise referred to in sub-section (1) cannot be collected in the manner prescribed under that sub-section, it shall be recovered from the owner of the coal mine in the same manner as an arrear of land revenue.”

The Government Savings Laws (Amendment) Act, 1985

AN

ACT

further to amend the Government Savings Banks Act, 1873 and the Government Savings Certificates Act, 1959.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Government Savings Laws (Amendment) Act, 1985.

2. *Amendment of Act 5 of 1873.*—In the Government Savings Banks Act, 1873,—

(a) in sub-section (4) of section 4A,—

(i) in clause (a), for the words “five thousand rupees”, the words “such limit as may be prescribed” shall be substituted;

(ii) in clause (b), for the words “aforesaid limit of five thousand rupees”, the words,

brackets and letter “limit prescribed under clause (a)” shall be substituted;

(b) in sub-section (2) of section 15, after clause (h), the following clause shall be inserted namely:—

“(i) the limit under clause (a) of sub-section (4) of section 4A.”

3. *Amendment of Act 46 of 1959.*—In the Government Savings Certificates Act, 1959,—

(a) in sub-section (4) of section 7, for the words “such limit as may be prescribed” shall be substituted;

(b) in sub-section (2) of section 12, after clause (i), the following clause shall be inserted, namely:—

“(ia) the limit under sub-section (4) of section 7;”

GOVERNMENT OF GOA

Law Department

Legal Affairs Branch

Notification

LD/1/87-L.A.B.

The Standards of Weights and Measures (Amendment) Act, 1986 (Act No. 75 of 1986) which was passed by the Parliament and assented to by the President of India on 25th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th December, 1986, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 3rd June, 1987.

The Standards of Weights and Measures (Amendment)
Act, 1986

AN

ACT

to amend the Standards of Weights and Measures Act, 1976.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Standards of Weights and Measures (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 72.*—In section 72 of the Standards of Weights and Measures Act, 1976, for clause (a), the following clause shall be substituted, namely:—

“(a) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by—

(i) the Director;

- (ii) any other authorised officer;
- (iii) any person aggrieved; or
- (iv) a recognised consumer association whether the person aggrieved is a member of such association or not.

Explanation.—For the purposes of this clause “recognised consumer association” means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force; 1 of 1956.

Civil Supplies Department

Notification

6/2/86-CSD

The following draft of certain rules which the Government of Goa proposes to make in exercise of the powers conferred by section 72 of the Standards of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985), is hereby pre-published as required by sub-section (4) of the said Section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after a period of 45 days from the date of publication of this Notification in the Official Gazette.

2. All objections and suggestions to the draft rules may be forwarded to the Under Secretary to the Government of Goa, Civil Supplies Department, Secretariat, Panaji, before the expiry of 45 days from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

Prabha Chandran, Under Secretary to the Government of Goa (Civil Supplies Department).

Panaji, 24th June, 1987.

DRAFT RULES

In exercise of the powers conferred by sub-section (1) of section 72 of the Standards of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985), and after consultation with the Central Government, the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called Goa Standards of Weights and Measures (Enforcement) Rules, 1987.

(2) They extend to the whole of State of Goa.

(3) They shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for—

- (a) different provisions of these rules; or
- (b) different areas; or
- (c) different classes of activities.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) ‘Act’ means the Standards of Weights and Measures (Enforcement) Act, 1985;

(b) ‘Reference Standard Laboratory’ means a laboratory set up by the Central Government under the Standards Act where reference standards and secondary standards are maintained;

(c) ‘Schedule’ means a Schedule appended to these rules;

(d) ‘Standards Act’ means the Standards of Weights and Measures Act, 1976; (Central Act 60 of 1976).

(e) words and expressions used in these rules and not defined but defined in the Act and the Standards Act shall have the meanings respectively assigned to them in those Acts.

3. *Reference Standards.*—The reference standards shall be kept at such place, in such manner and in such custody as may be prescribed under the Standards Act.

4. *Secondary standards.*—(1) Every secondary standard shall be verified at any of the Reference Standard Laboratories, in such manner and at such periodical intervals as may be prescribed under the Standards Act, and shall, if found on such verification to conform to the standards established by or under that Act, be stamped by the laboratory-in-charge of the Reference Standard Laboratory.

(2) The verified secondary standards shall be kept at such place, and in such custody as the Controller may direct.

5. *Working Standards.*—(1) Every working standard shall be verified either at any of the Reference Standard Laboratories or at any of the places where secondary standards are maintained by the State Government, in such manner and at such periodical intervals as may be prescribed under the Standards Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped, as the case may be, by the laboratory-in-charge of the Reference Standard Laboratory or by the Controller or such other officer as may be authorised by the Controller in this behalf.

(2) The verified working standards shall be kept in the custody of Inspectors.

6. *Secondary standard balances.*—(1) A set of secondary standard balances shall be maintained at every place where the secondary standard weights are kept.

(2) The number, types and specifications of such balances shall be such as may be prescribed under the Standards Act.

(3) Every secondary standard balance shall be verified at least once a year and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities prescribed under the Standards Act, by the laboratory-in-charge of the Reference Standard Laboratory or by the Controller or such other officer as may be authorised by the Controller in this behalf.

7. *Working standard balances.*—(1) A set of working standard balances shall be maintained at every place where working standard weights are kept.

(2) The number, types and specifications of such balances shall be such as may be prescribed under the Standards Act.

(3) Every working standard balance shall be verified at least once a year and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities prescribed under the Standards Act, by the laboratory-in-charge of the Reference Standard Laboratory or by the Controller or such other officer as may be authorised by the Controller in this behalf.

8. *Physical characteristics, configuration, constructional details of weights and measures* — Every weight or measure used or intended to be used in any transaction or for industrial production or for protection shall conform as regards physical characteristics, configuration, constructional details, materials, performance, tolerances and such other details, to the specifications prescribed under the Standards Act.

9. *Use of bullion weights, carat weights etc.* — (1) No weight other than a bullion weight shall be used in any transaction in bullion including precious metals pearls and ornaments and other articles made of gold or silver.

(2) No weight other than a carat weight shall be used in any transaction in precious stones.

(3) No balance or weighing instrument other than a balance or weighing instrument of accuracy class 'B' or class II or of higher accuracy shall be used in any transaction referred to in sub-rules (1) and (2).

10. *Registration of users of weights and measures* — (1) Every person (other than an itinerant vendor) who intends to commence, or carry on, the use of any weight or measure in any transaction or for industrial production or for protection, shall make an application in Form A-1 of Schedule I, accompanied by a fee of rupees five, to the Controller or such other officer as the Controller may, by general or special order in writing authorise in this behalf, for the registration of his name; and every such application shall be made —

- (i) in the case of an applicant using any weight or measure at the commencement of these rules, within ninety days from such commencements; or
- (ii) in the case of an applicant who commences use of any weight or measure after the commencement of these rules, within ninety days from the date on which he commences such use.

(2) The Controller or the officer authorised by him shall include the name of the applicant in a register to be known as Register of Users and issue to him a certificate in Form A-3 set out in Schedule II.

(3) The Register of Users referred to in sub-rule (2) shall be maintained in the form set out in Schedule III.

(4) The certificate referred to in sub-rule (2) shall be valid for five years and may be renewed on payment of a fee of rupees five.

(5) An application for renewal shall be made in Form A-2 of Schedule I, thirty days before the expiry of validity of the registration certificate.

(6) Where a certificate of registration is lost or destroyed, the holder of the certificate shall forthwith apply to the Authority who had issued the certificate, for the issue of a duplicate certificate of registration. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of Rs. 2/-.

(7) if a person, who intends to discontinue the use of weight or measure for which he has been registered desires to get his name deleted from the Register of users, he shall surrender the certificate of registration to the Controller or such other officer as may be authorised by him in this behalf.

(8) If a user intends to sell any weight or measure specified in Schedule II A, he shall obtain a written permission of the Controller or such other officer as may be authorised by him in this behalf.

11. *Use of weights only or measures only or number only in certain cases.* — Except in the cases of commodities specified in Schedule IV, the declaration of quantity in every transaction, dealing or contract, or for industrial production or for protection shall be in terms of the unit of —

- (a) weight, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid;
- (b) length, if the commodity is sold by linear measure;
- (c) area, if the commodity is sold by area measure;
- (d) volume, if the commodity is liquid or is sold by cubic measure; or
- (e) number, if the commodity is sold by number.

12. *Licensing of manufacturers, repairers and dealers of weights and measures.* — (1) Every manufacturer or repairer of, or dealer in, weight or measure shall make an application for the issue of a licence to the Controller or such other officer as may be authorised by him in this behalf, in the appropriate form set out in Schedule V-A.

(2) Every manufacturer or repairer of, or dealer in, weight or measure shall make an application for the renewal of a licence thirty days before the expiry of validity of the licence to the Controller or such other officer as may be authorised by him in this behalf, in the appropriate form set out in Schedule V-B.

(3) Every licence issued to a manufacturer, repairer or dealer shall be in the appropriate form set out in Schedule VI.

(4) Every licence issued to a manufacturer, repairer or dealer shall be valid for a period of one calendar year, and may be renewed from year to year by the Controller or such other officer as may be authorised by him in this behalf.

(5) The fees payable for the licence referred to in sub-rule (2) and for its renewal shall be as specified in Schedule VII.

Provided that an additional fee at half the rates specified in Schedule VII shall be payable by the applicant if he is permitted by the Controller to make the application for the renewal of a licence within a period of one month from the date of expiry of the period of validity of the licence.

(6) The Controller or such other officer as may be authorised by him in this behalf shall maintain a register of licenced manufacturers, dealers and repairers in the form set out in Schedule VIII.

(7) Every repairer licenced under the Act and these rules shall —

(a) be required to maintain such equipment and tools, as the Controller may direct; and

(b) furnish to the State Government a security deposit for each licence as specified in Schedule IX.

(8) The weights or measures seized by the Controller or any other officer authorised by him in writing, in this behalf, under sub-section (5) of section 20 of the Act, shall be sold and proceeds thereto credited to the Government.

13. *Records to be maintained by manufacturers, etc.* — (1) Every manufacturer or repairer of, or dealer in, weight or measure licensed under the Act and these rules shall maintain a register in the appropriate form set out in Schedule X.

(2) Every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as the Controller may direct.

14. *Periodical interval for the verification of Weights or measures.* — (1) Every weight or measure used or intended to be used in any transaction or for industrial production or for protection shall be verified or re-verified and stamped at least once in a year:

Provided that storage tanks including vats shall be re-verified or re-calibrated and stamped at least once in a period of five years.

(2) Notwithstanding anything contained in sub-rule (1) every weight or measure which has been verified and stamped *in situ* shall, if it is dismantled and re-installed before the date on which the verification falls due be duly re-verified and stamped on payment of the prescribed fee, before being put into use.

(3) Notwithstanding anything contained in sub-rule (1) every weight or measure which has been verified and stamped shall, if it is repaired before the date on which the verification falls due be duly re-verified and stamped on payment of the prescribed fee, before being put into use.

15. *Verification and inspection of weights or measures.* — (1) Every person using any weight or measures in any transactions or for industrial production or for protection shall present such weight or measure for verification or re-verification at the office of the Inspector or at such other place as the Inspector may specify in this behalf on or before the date on which the verification falls due:

Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the person using such weight or measure shall report to the Inspector at least thirty days in advance the date on which the verification falls due.

(2) Where any weight or measure is such that it cannot, or should not, be moved from its location,

the Inspector shall take necessary steps for the verification of such weight or measure at the place of its location.

(3) For the verification of weight or measure referred to in sub-rule (2), the user shall provide such facilities as may be required by the Inspector.

(4) Every weight or measure presented for verification shall be complete in itself and shall not bear a manufacturer's mark which might be mistaken for the Inspector's stamp.

(5) Every weight or measure shall be verified in a clean condition, and if necessary, the Inspector shall require the owner or user to make necessary arrangement for the purpose.

(6) Where a weight or measure is brought to the Inspector for verification or re-verification, he may verify the same after realisation of the prescribed fee.

(7) An Inspector shall visit, as frequently as possible during the period specified in sub-rule (1) of rule 14, every premises within the local limits of his jurisdiction to inspect and test any weight or measure which is being, or is intended or likely to be, used in any transaction or for industrial production or for protection.

16. *Stamping of weights or measure.* — (1) The Inspector shall stamp every weight or measure, if after verification, he is satisfied that such weight or measure conforms to the standards established by or under the Standards Act, with a stamp of uniform design, issued by the Controller, which shall indicate the number allotted for administrative purposes to the Inspector by whom it is stamped:

Provided that if by reason of the size or nature of any weight or measure it is not desirable or practicable to put a stamp thereon, the Inspector shall take such action as may be directed by the Controller, by a general or a special order in writing.

(2) The Inspector shall also mark the year and its quarter of stamping on every verified weight or measure except when the size or nature of such weight or measure makes it impracticable.

Explanation. — A year shall be deemed to consist of four quarters of which first quarter shall be of the months of January, February and March; second quarter shall be of the months of April, May and June; third quarter shall be of the months of July, August and September; and fourth quarter shall be of the months of October, November and December.

(3) On completion of verification and stamping the Inspector shall issue a certificate of verification in the form set out in Schedule XI.

(4) Where a certificate of verification is lost or destroyed, the holder of the certificate of verification shall forthwith apply to the Inspector who had issued the certificate, for the issue of a duplicate certificate, of verification. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of rupees five.

(5) On receipt of an application under sub-rule (4), the Inspector shall issue to the applicant a

duplicate copy of the certificate of verification marked "Duplicate".

17. *Fee for verification and stamping.* — (1) Fees payable for verification and stamping of weight or measure at the office or camp office of the Inspector shall be as specified in Schedule XII.

(2) If, at the request of the user of weight or measure, verification is done at any premises other than the office or camp office of the Inspector, an additional fee shall be charged at half the rates specified in Schedule XII and the user of the weight or measure shall also pay the expenses incurred by the Inspector for visiting the premises including the cost of transporting and handling the working standard and other equipment subject to a minimum of rupees ten:

Provided that no additional fee shall be charged for verification and stamping *in situ* of, —

(a) vehicle tanks, dispensing pumps, weigh-bridges, dormant platform machines and such other weight or measure which cannot, and should not be moved from its location;

(b) weights and measures in the premises of a manufacturer or stockist of such weights and measures.

(3) If a weight or measure is presented to the Inspector for re-verification after expiry of the validity of the stamp, an additional fee at half the rates specified in Schedule XII shall be payable for every quarter of the year or part thereof.

(4) No fee shall be payable for re-stamping any weight or measure held in stock with manufacturer or dealer within the period specified in rule 14 from the date on which it was last stamped, provided that the original stamp was not obliterated under sub-section (3) of section 28 of the Act.

(5) A weight or measure which on verification is found to be incorrect shall be returned to the person concerned for adjustment informing him, in a proforma specified by the Controller, of the defects found in the weight or measure and calling upon him to remove the defects within a period not exceeding seven days. When the necessary adjustment has been carried out, such weight or measure shall be verified on payment of fifty percent of the fees specified in Schedule XII and if found correct shall be stamped.

18. *Collection of fees and deposit into the Treasury.* — (1) Before commencing the work of verification or re-verification, the Inspector shall inform the person concerned of the fees payable by him under these rules and shall receive the same and issue a receipt in the form approved by the Controller, one copy of such receipt being kept on record:

Provided that fees payable by a department of the Central or State Government under these rules may be realised in such manner as may be directed by the Controller.

(2) The Inspector shall maintain a register, in the form approved by the Controller, which shall be written up from day-to-day and shall show the amount of fees and other charges collected during the day.

(3) All payments received by the Inspector during the week shall be paid into the Government Treasury under the appropriate "Head of Account" on such dates or days as may be specified by the Controller from time to time, and a receipt thereof be obtained and an intimation to that effect be sent to the Controller or other officer authorised by him in this behalf.

19. *Disposal of seized weights, measures, etc.* — (1) Any weight or measure or document or thing seized and detained under section 30 or 31 of the Act, which is not to be the subject of proceedings in a Court, shall, after the expiry of sixty days of its seizure, be so dealt with as the Controller may by general or special order direct, and the materials thereof shall be sold and the proceeds credited to the State Government:

Provided that the Controller may direct that un-verified weight or measure shall be returned to the person from whom such weight or measure was seized if that person gets the same verified and stamped, within ten days of the return, on payment of the prescribed fee including the additional fee payable for undertaking re-verification after the expiry of the validity of the stamp.

(2) Any weight or measure or document or thing seized and detained under sections 30 or 31 of the Act, which is to be the subject of proceedings in a Court, shall be produced by the Inspector before the Court shall, after conclusion of the proceedings, be taken possession of by the Inspector and dealt with in accordance with the orders of the Court:

Provided that in the absence of the orders of the court, weight or measure or document or thing shall be dealt with as the Controller may by special order direct and the materials thereof shall be sold and the proceeds credited to the State Government.

(3) If any goods, seized under sections 30 or 31 of the Act, are subject to speedy or natural decay, the Inspector shall have the goods weighed or measured on a verified weighing or measuring instrument available with him or near the place of offence and enter the actual weight or measure of the goods in a form specified by the Controller for this purpose, and shall obtain the signature of the trader or his agent or such other person who has committed the offence. The goods in question shall be returned to the trader or the purchaser as the case may be:

Provided that if the trader or his agent or the other person (who has committed the offence) refuses to sign the form, the Inspector shall obtain the signature of not less than two persons present at the time of such refusal by the trader or his agent or other person.

(4) Where the goods seized under sub-section (1) of section 29 of the Standards Act are contained in a package and the package is false or does not conform to the provisions of the Act or any rule made thereunder and the goods in such package are subject to speedy or natural decay, the Inspector so far as may be, may dispose of the goods in such package in accordance with the provisions of sub-rule (3).

(5) Where the goods seized under sub-section (1) are not subject to speedy or natural decay, the

Inspector may retain the package for the purpose of prosecution under this Act after giving the trader or his agent or the other person (who has committed the offence) a notice of such seizure.

20. *Qualifications of Inspectors.* — (1) No person shall be appointed as Inspector unless he —

(a) is a graduate of a recognized University in Science (with physics as one of the subjects), technology or engineering, or holds a recognized diploma in engineering; and

(b) is able to speak, read and write at least one of the regional languages of the State.

(2) Nothing in sub-rule (1) shall apply to persons who have been working as Inspectors or are eligible for promotion as Inspectors before the commencement of these rules.

(3) The person appointed to the post of Inspector shall have to complete the basic training course at the Indian Institute of Legal Metrology established by the Central Government under section 76 of the Standards Act before he is considered for confirmation to the post.

21. *Provision of working standards, equipment etc. to the Inspector.* — (1) Every Inspector shall be provided with working standards, working standard balances, and such other equipment including weighing and measuring devices as may be approved by the Controller from time to time.

(2) Every Inspector shall be provided with such dies, punches and such other equipment as may be necessary for affixing the verification stamp, the design and number of which are to be approved by the Controller.

(3) Every Inspector shall be provided with punches of suitable sizes of eight-pointed star as shown below for obliterating stamps —



22. *Provisions relating to use of weights, measures, etc.* — (1) Every person using a beam scale in any transactions in his premises shall suspend the same to a stand or to a chain by a hook:

Provided that this sub-rule shall not apply to itinerant vendors.

(2) Every weight or measure shall be used in a clean condition and in proper lighting arrangement.

(3) Any weight or measure which has been verified and stamped *in situ* shall not be dismantled and removed from its original site without prior intimation to the Controller or other person authorised by him in this behalf.

(4) The user of a weighing instrument of the capacity of five hundred kilogram or above, shall provide such number of duly verified and stamped weights not exceeding one-fourth of the capacity of the instrument as may be required by the Inspector for the purpose of its verification, re-verification or inspection.

(5) To ensure a proper check of the accuracy of a weighing instrument the user shall keep at the

site of each weighing instrument duly verified and stamped weights equal to one-tenth of the capacity of the instrument or one tonne whichever is less:

Provided that the Controller may specify the total number of verified and stamped weights to be maintained in trade premises where the number of weighing instruments is more than one.

23. *Certificate of verification to be exhibited.* — The person to whom a certificate of verification is issued shall exhibit the same in a conspicuous place in the premises where the weights, measures or measuring instruments to which the certificate relates are used:

Provided that in the case of itinerant vendor, the certificate shall be kept on his person:

Provided further that in the case of vehicle tank, the certificate of verification shall be kept with the vehicle.

24. *Penalty for contravention of rules.* — Whoever contravenes any provision of these rules, for the contravention of which no punishment has been separately provided in the Act, shall be punished with fine which may extend to one thousand rupees.

25. *Form of appeal.* — (1) Every appeal under the Act and these rules shall be preferred in the Form set out in Schedule XIII, and shall be accompanied by a copy of the order appealed against.

(2) A court fee label of rupees two shall be affixed on the appeal petition.

SCHEDULE I

[See rule 10(1)]

FORM 'A-I'

Application for Registration of users

(This application should be accompanied by a fee of Rs. 5/-)

Place:

To

Date:

Sir,

* I/We would like to register my/our name in the Register of Users of Weights and Measures as required under sections 16, 17 and 18 of the Standards of Weights and Measures (Enforcement) Act, 1985 and rules made thereunder.

I/We am/are furnishing the particulars as required under the Rules along with the prescribed fee of Rs. 5/- (Rupees five only).

1. Name of the person/company/firm:
2. Complete address:
3. Branches if any with their complete address and registration number:
4. Name(s) and address(es) of proprietor(s) and/or partners and managing director(s) in the case of limited company:
5. Nature of business carried on:
6. Details (denomination/type, quantity) of weights, measures, weighing and measuring instruments used:

Signature.

* Strike out whichever is not applicable.

SCHEDULE I

[See rule 10(5)]

FORM A-2

Application for Renewal of Registration of users

(This application should be accompanied by a fee of Rs. 5/-)

Place:

Date:

To

Sir,

* I/We request you to renew my/our Registration No. ... dated ... due for renewal with effect from ... for a further period of 5 years. I/We are furnishing the particulars as required under the rules along with the prescribed fee of Rs. 5/- (Rupees five only).

1. Name of the person/company/firm:
2. Complete address:
3. Branches if any with their complete address and registration number:
4. Name(s) and address(es) of proprietor(s) and/or partners and managing director(s) in the case of limited company:
5. Nature of business carried on:
6. Details (denomination/type, quantity) of weights, measures, weighing and measuring instruments used:

* Strike out whichever is not applicable.

Signature.

SCHEDULE II

[See rule 10(2)]

Certificate of Registration of users of Weights and Measures

To be prepared in quadruplicate

FORM A-3

Government of ...

Office of the Controller of Legal Metrology

Book No.: ...

Registration Sl. No.: ...

Date: ..

Certificate of Registration Under the
Standards of Weights and Measures (Enforcement) Act, 1985

I hereby certify that the following person/company/firm
at the address/es given below has been registered as an

user of weights and measures under section 17 of the Standards of Weights and Measures (Enforcement) Act, 1985 on receipt of the prescribed fee of Rs. 5/- (Rupees five only).

1. Name and complete address of the person/company/firm:
2. Branches, if any with their complete address and registration number
3. Nature of business carried on/ commodities or goods produced (for manufacturing companies only)
4. Details (denomination/type, quantity) of weights, measures, weighing and measuring instruments used:
5. New Registration/Renewal:
6. Next date of Renewal:

Signature of the person/
authorised personSignature of the Issuing
Authority

Note: In case it is desired to suspend the activities the registration certificate may be surrendered to this office for cancellation.

Conditions for Registration of Users:

1. The person in whose favour this Certificate of Registration is issued shall,—
 - (a) comply with all the relevant provisions of the Act and Rules for the time being in force;
 - (b) exhibit this Certificate of Registration in some conspicuous place in the premises to which it relates, and
 - (c) comply with any general or special directions that may be given by the Controller of Legal Metrology from time to time.
2. This Certificate of Registration is valid for 5 years from the date of issue. It should be renewed before the date of Renewal shown in Column No. 5 of the Certificate on payment of the prescribed fee.
3. This Certificate of Registration should be produced at the time of renewal.
4. Change of address should be intimated to the Issuing Authority immediately and the same incorporated in this Certificate of Registration.

SCHEDULE II A

[See rule 10(8)]

1. Vehicle tanks.
2. Bulk meters.
3. Dispensing pumps, weighbridges, platform machines and such other weight or measure which can not, and should not, be moved from its location.

SCHEDULE — III

[See rule 10 (3)]

Register of users of Weights and Measures

Village: Taluk:

District:

Sl. No.	Name and address of the Registered user of Weights and Measures	Branches, if any with address	Nature of business carried on	Weights and Measures used	Registration No.	Registration		Remarks
						Registration	Renewal	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

SCHEDULE — IV

(See rule — 11)

Exceptions referred to in Rule 11.

1. The following commodities may be sold by weight, measure or number as shown against the commodity:

TABLE

Sl. No.	Commodity	Whether declaration to be expressed in terms of weight, measure or number or two or more of them
1.	Aerosol products	weight
2.	Acids in liquid form	weight or volume
3.	Compressed or liquified gas (but not liquified petroleum gas).	weight and equivalent volume at stated temperature and pressure
4.	Butter (incl. Peanut butter), Cheese, Curd, Ghee	weight
5.	Electric cables	length or weight
6.	Electric wire	length or weight
7.	Fencing wire	length or weight
8.	Hair Oil, unperfumed	weight
9.	Fruits and vegetables	number or weight
10.	Furnace oil	weight or volume
11.	Linseed oil and other vegetable oils	weight
12.	Heavy residual fuel oil	weight
13.	Industrial diesel fuel	volume
14.	Honey, malt extract, golden syrup treacle	weight
15.	Ice cream and other similar frozen products	weight or volume
16.	Liquid chemicals	weight or volume
17.	Liquid petroleum gas	weight
18.	Nails, wood screws	number or weight
19.	Paint (Other than paste paints or solid paint), Varnish and Varnish Stains, Enamels	volume
20.	Papad	number and weight
21.	Paste paint, solid paint	weight
22.	Rassogulla, Gulabjamun and other sweet preparations	weight
23.	Ready-made garments	number and size
24.	Sauce, all kinds	weight
25.	Tyres and tubes	number
26.	Yarn	weight or length of yarn

SCHEDULE — V A

(See rule 12(1))

FORM LM-1

(Application form for Licence as Manufacturer of Weights, Measures under the Standards of Weights and Measures (Enforcement) Act, 1985)

To,	To be filled by the applicants	Comments of the Inspecting Officer
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(1)	(2)	(3)
1. Name of the manufacturing concern for which licence is desired :		
2. Complete address of the concern :		
3. Date of establishment of workshop/factory :		
4. Name(s) and address(es) of proprietor(s) and/or partners and managing director(s) in the case of Limited company :		

- The date and number of registration in the case of a Registered Factory :
- Number and date of current Municipal Trade Licence :
- Nature of manufacturing activities at present :
- The type of articles proposed to be manufactured viz. —
 - Weights
 - Measures
 - Weighing Instruments
 - Measuring Instruments with details in each case:
- The number of persons employed in each of the above branches of production :
 - skilled
 - unskilled
 - specialists trained in the line
- The monogram or trade mark intended to be imprinted on articles to be manufactured :
- Details of machinery, tools, accessories, etc., owned and used for manufacturing weights, measures, etc. :
- Have you a foundry/workshop on ownership or long-term lease? If not, state the nature and details of arrangements made or to be made in this regard :
- Indicate facilities for steel casting and hardness testing of vital parts :
- Is electric energy available?
- Have you received any loan from Government? If so, give details :
- Name of bankers, if any :
- Sales Tax Registration Number :
- Give details of quota allotment of raw material for the last three years :
- Have you applied previously for licence? If so, with what results?
- When can you produce for inspection samples of your products for which licence is desired?

To be certified by the applicant

Certified that I/We have read the Standards of Weights and Measures (Enforcement) Act, 1985 and the Goa Standards of Weights and Measures (Enforcement) Rules, 1987 and agree to abide by the same and also the administrative orders and instructions issued or to be issued thereunder.

I/We agree to deposit the scheduled licence fees with Government as soon as required to do so by the Licensing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :

Date :

Signature and Designation.

To be filled in by Departmental Officer of the State Government

Date of receipt of application
 Serial Number of application
 Date of inspection

Recommendation of Inspecting Officer :

Place :

Date :

Signature and Designation of
 Inspecting Officer

Final orders of Licensing Authority

Licence granted/refused
 Licence Number
 Valid till

Place :

Date :

Signature and Designation

SCHEDULE — VA

[See rule 12(1)]

FORM — LR-1

(Application for licence as Repairers of Weights, Measures, Weighing Instruments and Measuring Instruments under the Standards of Weights and Measures (Enforcement) Act, 1985.)

To,

To be filled in
by the
applicants

Comments
of the
Inspecting
Officer

1. Name of the repairing concern/person seeking the licence.
2. Complete address of the workshop.
3. Date of establishment.
4. Name(s) and address(es) of proprietor(s) and/or partners, and Managing Director(s) in the case of Limited Company.
5. Number and date of current Municipal Trade Licence.
6. The types of articles you propose to repair.
7. Area in which you wish to operate.
8. Extent of previous experience in the line.
9. The number of skilled staff employed in the workshop.
10. Is electric energy available.
11. Have you sufficient stock of loan/test weights, etc. Please give details.
12. Have you previously applied for repairer licence? If so, when and with what results.

To be certified by the applicants.

Certified that I/We have read the Standards of Weights and Measures (Enforcement) Act, 1985 and the Goa. Standards of Weights & Measures (Enforcement) Rules, 1987, and agree to abide by the same and the administrative orders and instructions issued or to be issued thereunder.

I/We agree to deposit the scheduled licence fees and security deposit with Government as soon as required to do so by Licensing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :

Date :

Signature & Designation

To be filled in by Department/
/Officer of the State Government

Date of receipt of application
 Serial number of application
 Date of Inspection
 Recommendation of Inspecting Officer :
 Final Orders of Licensing Authority —
 Licence granted/refused.

Licence No.

Date :

Valid till :

Place :

Date :

Signature and Designation

SCHEDULE — V. A

[See rule 12(1)]

FORM — LD-1

(Application Form for licence as Dealer in Weights, Measures, Weighing Instruments and Measuring Instruments under the Standards of Weights and Measures (Enforcement) Act, 1985)

To,

To be filled in
by the
applicants

Comments
of the
Inspecting
Officer

1. Name of the establishment/shop/person seeking the licence
2. Complete address of the establishment, etc.,
3. Date of establishment
4. Name(s) and address(es) of proprietor(s) and/or partners, and managing directors in the case of Limited Company.
5. Number and date of current Municipal Trade Licence
6. Category of articles sold at present
7. Sales Tax Registration Number.
8. Do you intend to import Weights, etc. from places outside the State? If so, indicate sources of supply:
.....
(Give details of manufacturer's trade mark/monogram and his licence number).:
9. Have you ever applied for a dealer's licence either in this State or elsewhere? If so, give details.

To be certified by the applicants

Certified that I/We have read the Standards of Weights and Measures (Enforcement) Act, 1985 and the Goa Standards of Weights & Measures (Enforcement) Rules, 1987, and agree to abide by the same as well as the administrative orders and instruction issued or to be issued thereunder.

I/We agree to deposit the schedule licence fees with Government as soon as required to do so by the Licensing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :

Date :

Signature and Designation

To be filled by Departmental Officer
of the State Government.

Date of receipt of application
 Serial Number of application
 Date of inspection
 Recommendation of Inspecting Officer.

*Signature and Designation
of the Inspecting Officer.*

Final orders of Licensing Authority.

Licence granted/refused.

Date:

Licence No.

Valid till:

Place :

Date :

*Signature of Controller
of Legal Metrology*

SCHEDULE — V. B

[See rule 12(2)]

FORM — LM-2

(Application for renewal of licence as Manufacturer of Weights, Measures, Weighing Instruments and Measuring

Instruments under the Standards of Weights & Measures (Enforcement) Act, 1985).

To

1. Name and complete address of the manufacturing concern for which licence is desired:
2. Manufacturers Licence No.:
3. Names and addresses of proprietors and/or partners and Managing Directors in the case of Limited Company.
4. (a) The type of articles which are manufactured as per licence granted:
(b) Do you propose any change.
5. The monogram or trade marks used on articles manufactured by you.
6. Details of workshop facilities available.
7. Sales Tax Registration No.

To be certified by the Applicants.

Certified that I/We have read the Standards of Weights & Measures (Enforcement) Act, 1985 and the Goa Standards of Weights & Measures (Enforcement) Rules, 1987 and agree to abide by the same and also the administrative orders and instructions issued or to be issued thereunder.

I/We have deposited the scheduled licence fees of Rs. (Rupees) to the Sub-Treasury/Bank on and the original chalan is enclosed.

All the information furnished above is true to the best of my/our knowledge.

Place :

Signature and Designation.

Date :

SCHEDULE — V B

[See rule 12(2)]

FORM LR-2

(Application for renewal of licence as Repairer of Weights, Measures, Weighing Instruments and Measuring Instruments under the Standards of Weights and Measures (Enforcement) Act, 1985)

To,

1. Name and Complete address of the repairing concern/ person seeking the licence.
2. Repairers licence Number.
3. Name(s) and address(es) of proprietor(s) and/or partners, and Managing Director(s) in the case of Limited Company.
4. Number and date of current Municipal Trade Licence.
5. (a) The types of articles which are repaired as per licence granted.
(b) Do you propose any change.
6. Area in which you are operating.
7. Have you sufficient stock of loan/test weights, etc.?
8. Please give details with particulars of stamping.

To be certified by the Applicants

Certified that I/We have read the Standards of Weights and Measures (Enforcement) Act, 1985 and the Goa Standards of Weights & Measures (Enforcement) Rules, 1987, and agree to abide by the same as well as the administrative orders and instructions issued or to be issued thereunder.

I/We have deposited the Scheduled licence fees of Rs. (Rupees only) in the Sub-Treasury/Bank on and the original chalan is enclosed.

All the information furnished above is true to the best of my/our knowledge.

Place :

Signature and Designation.

Date :

SCHEDULE — V B

[See rule 12(2)]

FORM LD-2

(Application for renewal of licence as Dealer in Weights, Measures, Weighing and Measuring Instruments under the Standards of Weights and Measures (Enforcement) Act, 1985)

To,

1. Name and address of the establishment / shop / person seeking the licence.
2. Dealer's Licence No.
3. Date of establishment.
4. Name and address of proprietor(s) and/or partners and Managing Directors in the case of Limited Company.
5. Number and date of current Municipal Trade Licence.
6. Category of articles sold at present.
7. Sales Tax Registration Number.
8. Are you intending to import Weights, etc. from places outside the State. If so, indicate sources of supply from the State/States:
(Give details of Manufacturer's trade mark/monogram and his licence No.)

To be certified by the Applicants

Certified that I/We have read the Standards of Weights and Measures (Enforcement) Act, 1985, and the Goa Standards of Weights and Measures (Enforcement) Rules, 1987, and agree to abide by the same and the Rules, the administrative orders and instructions issued thereunder.

I/We have deposited the Scheduled licence fees of Rs. in the Sub-Treasury/Bank on and the original chalan is enclosed.

All the information furnished above are true to the best of my/our knowledge.

Place :

Signature and Designation

Date :

SCHEDULE — VI

[See rule 12(3)]

Licensing Forms

FORM LM-3

Office of the Controller of Legal Metrology
Licence to manufacture Weights, Measures or
Weighing Instruments

Licence No.

Year:

(1) The Controller of Legal Metrology hereby grants to

(Name and address of party or parties)

a licence to manufacture the following: —
(Include details of the types of weights, measures, weighing instruments or measuring instruments that are licensed to be manufactured by the party).

(2) The Licence is valid for the party named above in respect of his workshop located at

(3) This licence is valid from 31 December, 19

(4) The manufacturer shall comply with the conditions noted below. If he fails to comply with any one of these, his licence is liable to be cancelled.

(5) The trade mark monogram being used by the manufacturer is as under:

Date: (Seal)
(Signature)
Place :

Controller of Legal Metrology

Note : In the case of firm, its name with the names of all persons having any interest in the business should be given in paragraph 1.

Conditions of licence

1. The person in whose favour this licence is issued shall: —

- comply with all the relevant provisions of the Act and Rules for the time being in force;
- not encourage or countenance any infringement of the provisions of the Act, or the Rules for the time being in force and shall report without delay to the inspector any infringement that may come to his notice;
- exhibit this licence in some conspicuous part of the premises to which it relates;
- comply with any general or special direction that may be given by the Controller of Legal Metrology;
- surrender the licence if and when required to do so by the Controller or any other officer employed under the Act;
- present the weights, measures or weighing or measuring instruments as the case may be manufactured to the Inspector for verification and stamping before sale;
- render such accounts, statements relating to raw materials as may be directed and called for by the Controller from time to time; and
- submit the application for renewal of this licence, as required under the rules before thirty days of the date of expiry of the validity of the licence.

2. Every condition prescribed after the issue of this licence shall, if notified in the Official Gazette, be binding on the persons to whom the licence has been granted.

Renewal Entries

Current No. Date	Current No. Date:
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology

Current No. Date	Current No. Date:
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology

Current No. Date	Current No. Date:
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology

SCHEDULE — VI
[See rule 12(3)]

Licensing Forms
FORM LR-3

Office of the Controller of Legal Metrology

Licence to repair Weights, Measures, Weighing
Instruments or Measuring Instruments

Licence No:

Year:

(1) The Controller of Legal Metrology hereby grants to

(Name and address of Party or Parties

a licence to repair the following: —

(Include details of the types of weights, measures, Weighing instruments or measuring instruments that are licensed to be repaired by the party)

(2) The licence is valid for the party named above in respect of his workshop located at

(3) This Licence is valid from 31 December, 19

(4) The repairer shall comply with the conditions noted below. If he fails to comply with any one of these, his licence is liable to be cancelled.

(5) The party is licensed to repair weights, measures, weighing and measuring instruments in the areas mentioned below: —

(Signature)

Controller of Legal Metrology

(Seal)

Date:

Place:

Note: In the case of firm, its name with the names of all persons having any interest in the business should be given in paragraph (1).

CONDITIONS OF LICENCE

1. The person in whose favour this licence is issued shall —

- comply with all the relevant provisions of the Act and Rules for the time being in force;
- not encourage or countenance any infringement of the provisions of the Act, or the Rules for the time being in force and shall report without delay to the Inspector any infringement that may come to his notice;
- exhibit this licence in some conspicuous part of the premises to which it relates;
- comply with any general or special direction that may be given by the Controller of Legal Metrology.
- surrender the licence if and when required to do so by the Controller or any other Officer employed under the Act;
- present the weights, measures or weighing or measuring instruments, as the case may be duly repaired to the Inspector for verification and stamping before delivery;
- render such accounts, statements relating to raw materials as may be directed and called for by the Controller from time to time; and
- submit the application for renewal of this licence, as required under the rules before thirty days of the date of expiry of the validity of the licence.

2. Every condition prescribed after the issue of this licence shall, if notified in the Official Gazette, be binding on the persons to whom the licence has been granted.

Renewal Entries

Current No. Date	Current No. Date:
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology

Current No. Date	Current No. Date:
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology

SCHEDULE — VI

[See rule 12(3)]

Licencing Form

FORM LD-3

Office of the Controller of Legal Metrology

Licence to a Dealer in Weights, Measures, Weighing Instruments or Measuring Instruments

Licence No:

- (1) The Controller of Legal Metrology hereby grants to
(Name and address of party or parties)

a licence to deal in the following:

(indicate details of the types of weights and measures, weighing or measuring instruments that are licensed to be dealt with by party):

- (2) The licence is valid for the party named above in respect of his premises located at

- (3) This licence is valid from 31 December, 19

(4) The dealer shall comply with the conditions noted below. If he fails to comply with any one of those, his licence is liable to be cancelled.

Date:

(Seal)

(Signature)

Controller
of Legal Metrology.

Place:

Note: In the case of firm its came with the names of all persons having any interest in the business should be given in paragraph (1).

CONDITIONS OF LICENCE

1. The person in whose favour this licence is issued shall —

- (a) comply with all the relevant provisions of the Act and Rules for the time being in force;
- (b) not encourage or countenance any infringement of the provisions of the Act, or the Rules for the time being in force and shall report without delay to the Inspector any infringement that may come to his notice;
- (c) exhibit this licence in some conspicuous part of the premises to which it relates;

SCHEDULE — VIII

[See rule 12(6)-7]

Register of Licensed Manufacturers/Repairers/Dealers in Weights, Measures, Weighing Instruments, Measuring Instruments

Office of

Licence Number	Date of issue/renewal	Name and complete address of the manufacturer/repairer/dealer	Place where workshop/factory is situated	Articles to be manufactured/repaired/sold	Trade mark/monogram being used	Orders regarding cancellation of licence	Result of Appeal	Signature of competent authority	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Note: Column (4) does not apply to dealers. Column (6) does not apply to repairers and dealers.

SCHEDULE — IX

[See rule 12 (7)]

Security deposit to be made by licensee repairer

Repairer of Weights and Measures excluding weighing and measuring instruments

Rs. 100.00

Repairer of Weights and Measures including weighing and measuring instruments

Rs. 200.00

- (d) comply with any general or special direction that may be given by the Controller of Legal Metrology.
- (e) surrender the licence if and when required to do so by the Controller or any other Officer employed under the Act;
- (f) submit the application for renewal of this licence, as required under the Rules before thirty days of the date of expiry or the validity of the licence;
- (g) not sell, or offer, expose or possess for sale any non-standard weight or measure.

2. Every condition prescribed after the issue of this licence shall, if notified in the Official Gazette, be binding on the persons/person to whom the licence has been granted.

Renewal Entries

Current No. Date	Current No. Date
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology
Current No. Date	Current No. Date
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology
Current No. Date	Current No. Date
Renewed for	Renewed for
(Seal)	(Seal)
Controller of Legal Metrology	Controller of Legal Metrology

SCHEDULE — VII

[See rule 12(5)]

Licensing and Renewal Fees for manufacturers, repairers or dealers of weights and measures

Manufacturers	Rs. 500/-
Repairers	Rs. 100/-
Dealers	Rs. 100/-

SCHEDULE — X

[See rule 13(1)]

Register to be maintained by the manufacturers of weights and measures

1. Name and address of the manufacturer :
2. Description of the weight or measure :
3. (i) No. of the manufacturing licence :
(ii) Date on which the licence was issued :
(iii) Period of validity of the licence :
4. Particulars of order, if any, suspending or revoking the licence :

S. No.	Month	Unsold stock from previous month	Quantity manufactured during the month	Total (3+4)	Sold within the State	
					No. of items sold	Despatch voucher No. & date
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Sold outside the State						
Name of the State	No. of items sold	Despatch voucher No. and Date	Total sold (6+9)	Balance (5-11)	Remarks	
(8)	(9)	(10)	(11)	(12)	(13)	

SCHEDULE — X

[See rule 13(1)]

FORM LR — 4

Register to be maintained by the repairer in respect of weights, measures

Name and address of the repairer :

Licence No.

Date of Licensing :

Sl. No.	Date	Name of the user from whom received	Items and their Nos. booked for repair	Receipt No. and date of issue to the user	Amount of repairing charges	Amount of verification fee	Total amount charged	Date of return to the user	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

SCHEDULE — X

[See rule 13(1)]

Register to be maintained by dealer in weights and measures

1. Name and address of the manufacturer :
2. Description of the weight or measure :
3. (i) No. of the manufacturing licence :
(ii) Date on which the licence was issued :
(iii) Period of validity of licence :
4. Particulars of order, if any suspending or revoking the licence :
5. Category of weight or measure :
(category A or B)

Sl. No.	Month	Unsold stock from the previous month	Brought from within the State during the month	Brought from outside the State during the month	Total (3+4+5)	Sold within the State	
						No. of items sold	Despatch voucher No. & date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Sold outside the State					Total sold (7+9)	Balance 8-12	Remarks
No. of items sold	Despatch voucher No. & Date	Name of the State			(12)	(13)	(14)
(9)	(10)	(11)			(12)	(13)	(14)

SCHEDULE—XI

[See rule 16(3)]

Certification of Verification

Office of the Controller of Legal Metrology

Name of Inspector ... No. ... I hereby certify that I have this day verified and stamped the undermentioned weights, measures etc., belonging to ... Locality ... Registration No. as user ... under the above Act. rejected

Quantity	Denomination		Weighing Instruments			Measuring Instruments	Verification Fee		Carriage, conveyance, adjusting Charges etc.
	Weights	Measures	Capacity	Class	Manufacturer	Type	Rs.	P.	Rs. P.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Total Rs. ... Deposited vide T. Receipt No. ... dated ...
Money Receipt

Repaired by

..... (Signature)

Next verification due on

Inspector

SCHEDULE—XII

[See rule 17(1)]

Fees Payable for Verification and Stamping of Weights, Measures and Weighing and Measuring Instruments

1. Weights

(a) Bullion Weights

Denomination	Fee per piece
	Rs. p.
20 kg	6.00
10 kg	6.00
5 kg	4.00
2 kg	4.00
1 kg	4.00
500 g	1.50
200 g	1.50
100 g	1.50
50 g	1.50
20 g	1.50
10 g	1.50
5 g	1.50
2 g	1.50
1 g	1.50
500 mg	1.00
200 mg	1.00
100 mg	1.00
50 mg	1.00
20 mg	1.00
10 mg	1.00
5 mg	1.00
2 mg	1.00
1 mg	1.00

(b) Brass Weights (Other than Bullion)

1 kg	2.00
500 g	1.00
200 g	1.00
100 g	1.00
50 g	1.00
20 g	1.00
10 g	1.00
5 g	1.00
2 g	1.00
1 g	1.00

(c) Sheet metal Weights (Other than Bullion)

500 mg	1.00
200 mg	1.00
100 mg	1.00
50 mg	1.00
20 mg	1.00
10 mg	1.00
5 mg	1.00
2 mg	1.00
1 mg	1.00

(d) Iron and Steel Weights

Denomination	Fee per piece
	Rs. p.
50 kg	2.00
20 kg	2.00
10 kg	2.00
5 kg	2.00
2 kg	2.00
1 kg	2.00
500 g	1.00
200 g	1.00
100 g	1.00
50 g	1.00

(e) Carat Weights

500 c	2.00
200 c	2.00
100 c	2.00
50 c	2.00
20 c	2.00
10 c	2.00
5 c	1.00
2 c	1.00
1 c	1.00
50/100 c	1.00
20/100 c	1.00
10/100 c	1.00
5/100 c	1.00
2/100 c	1.00
1/100 c	1.00
0.5/100 c	1.00

2. Capacity Measures (incl. storage tank, vehicle tanks, Dispensing Measures and Peg Measures)

Capacity	Fee per piece
50 litres and above	Rs. 10.00 for the first 100 litres or part thereof plus Rs. 3.00 for every additional 100 litres or part thereof subject to a maximum of Rs. 5,000/-.
20 l	4.00
10 l	4.00
5 l	2.00
2 l	2.00
1 l	2.00
500 ml	1.00
200 ml	1.00
100 ml	1.00
50 ml	1.00
20 ml	1.00
10 ml	1.00
5 ml	1.00
2 ml	1.00
1 ml	1.00

Denomination	Fee per piece	Denomination	Fee per piece
	Rs. p.		Rs. p.
18.5 ml	4.00	2 kg	6.00
60 ml	1.00	1 kg	6.00
30 ml	1.00	500 g and below	4.00
3. Length Measures		(Person weighing Machines excluding bathroom scales)	20.00
(a) Non-Flexible		5. Beam Scales (Classes A & B)	
2.00 m	2.00	200 kg	100.00
1.00 m (ordinary)	2.00	100 kg	80.00
0.50 m (ordinary)	2.00	50 kg	60.00
1.00 m (graduated at every cm)	4.00	20 kg	60.00
0.50 m (graduated at every cm)	4.00	10 kg	40.00
(b) Woven Metallic Tapes		5 kg	30.00
50 m	6.00	2 kg	30.00
30 m	6.00	1 kg	30.00
20 m	4.00	500 g and below	20.00
15 m	4.00	6. Beam Scales (Classes C & D)	
10 m	4.00	1000 kg	30.00
5 m	2.00	500 kg	20.00
2 m	2.00	300 kg	20.00
(c) Steel Tapes		200 kg	10.00
50 m	10.00	100 kg	10.00
30 m	10.00	50 kg	6.00
20 m	6.00	20 kg	6.00
15 m	6.00	10 kg	6.00
10 m	4.00	5 kg	4.00
5 m	2.00	2 kg	4.00
4 m	2.00	1 kg	4.00
3 m	2.00	500 g and below	2.00
2 m	2.00	7. Weighing instruments of High Accuracy Class	
1.5 m	2.00	Exceeding 50 t	500.00
1 m	2.00	Not exceeding 50 t but exceeding 10 t	200.00
0.5 m	2.00	Not exceeding 10 t but exceeding 1 t	150.00
(d) Folding Scales		Not exceeding 1 t but exceeding 50 kg	100.00
1 m	2.00	Not exceeding 50 kg. but exceeding 10 kg	60.00
0.5 m	1.00	Not exceeding 10 kg.	40.00
(e) Surveying Chains		8. Automatic Weighing Machines	
30 m	6.00	Exceeding 10 t	200.00
20 m	4.00	Not exceeding 10 t but exceeding 1 t	150.00
4. Weighing Instruments (other than Beam Scales Weighing Instruments of High Accuracy Class, Automatic Weighing Machines and Totalising Machines)		Not exceeding 1 t but exceeding 50 kg	100.00
400 t	500.00	Not exceeding 50 kg but exceeding 10 kg	60.00
300 t	400.00	Not exceeding 10 kg	40.00
200 t	300.00	9. Totalising Machines	
150 t	250.00	Each machine	300.00
100 t	200.00	10. Volume Measuring Instruments	
80 t	180.00	(a) Dispensing pumps, each pump	100.00
60 t	150.00	(b) Other instruments exceeding 100 litres	Rs. 80.00 for the first 100 litres plus Rs. 75.00 for each additional 100 litres or part thereof subject to maximum of Rs. 1,500/-
50 t	150.00		
40 t	150.00		
30 t	150.00		
25 t	150.00		
20 t	150.00		
15 t	150.00		
10 t	100.00		
5 t	100.00		
3 t	50.00		
2 t	50.00		
1500 kg	30.00		
1000 kg	30.00		
500 kg	30.00		
300 kg	30.00		
250 kg	30.00		
200 kg	20.00		
150 kg	20.00		
100 kg	20.00		
50 kg	15.00		
30 kg	15.00		
25 kg	15.00		
20 kg	10.00		
15 kg	10.00		
10 kg	6.00		
3 kg	6.00		
		11. Linear Measuring Instruments	
		(a) Taximeters and Autorickshaw meters: Each taximeter or Autorickshaw meter	10.00
		(b) Other Instruments exceeding 1000 m	15.00 for the first 1,000 m plus Rs. 3.00 for every

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additional 100 m or part thereof subject to maximum of Rs. 75.00

Not exceeding 1000 m but exceeding 500 m	20.00
Not exceeding 500 m but exceeding 100 m	10.00
Not exceeding 100 m	6.00
12. Clinical Thermometer Each Thermometer	0.50
13. Water meter (Domestic type) Each Water meter	10.00
14. Electricity meter Each Electricity meter	10.00

SCHEDULE XIII

[See rule 25(1)]

Form of Appeal against an Order of an Inspector or Additional Controller

- (1) Name and address of the appellant.
- (2) No. and date of order of Inspector of Weights and Measures or Additional Controller of Weights and Measures against which the appeal is preferred.
- (3) Whether the appellant desires to be heard in person or through an authorised representative.
- (4) Grounds of appeal.